

Bill No. 354. House Conferees: Clayton, Hinson, Birkner, T. Shannon, Wayne.

The House has adopted the Conference Committee Report on House Bill No. 741 by a vote of 136 ayes, 1 noes.

The House refused to concur in Senate amendments to House Bill No. 1164 and has requested the appointment of a Conference Committee to consider the differences between the two Houses. House Conferees: Ogg, Neugent, Sherman, Mutscher, McKissack.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Memorial Resolutions

S. R. No. 743—By Senator Herring: Memorial resolution for B. Werken-thin.

S. R. No. 745—By Senator Watson: Memorial resolution for John Drew (Boody) Johnson.

Welcome and Congratulatory Resolutions

S. R. No. 746—By Senator Aikin: Extending welcome to teachers and students of Spanish Class of Clarks-ville High School.

S. R. No. 747—By Senator Strong: Extending welcome to Glenn Hart, Randy Hart and Tripp Hart.

S. R. No. 748—By Senators Park-house and Wade: Extending welcome to teachers and members of Cub Pack 191 from Winnetka Elementary School of Dallas.

S. R. No. 750—By Senator Herring: Extending congratulations to W. H. "Buckshot" Price.

Adjournment

Senator Hardeman moved that the Senate stand adjourned until 2:00 o'clock p.m. today.

Senator Strong moved that the Sen-ate take recess until 2:30 o'clock p.m. today.

Question first on the motion to ad-journ, "Yeas" and "Nays" were de-manded.

The motion prevailed by the follow-ing vote:

Yeas—21

| | |
|------------|-----------|
| Aikin | Hightower |
| Bates | Jordan |
| Bernal | Kennard |
| Berry | Mauzy |
| Brooks | Patman |
| Christie | Ratliff |
| Cole | Reagan |
| Hall | Schwartz |
| Hardeman | Watson |
| Harrington | Wilson |
| Herring | |

Nays—9

| | |
|-----------|-----------|
| Blanchard | Parkhouse |
| Connally | Strong |
| Creighton | Wade |
| Grover | Word |
| Hazlewood | |

Absent

Moore

Accordingly, the Senate at 11:55 o'clock a.m. adjourned until 2:00 o'clock p.m. today.

SIXTY-EIGHTH DAY

(Saturday, May 27, 1967)

The Senate met at 2:00 o'clock p.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the follow-ing Senators were present:

| | |
|------------|-----------|
| Aikin | Hightower |
| Bates | Jordan |
| Bernal | Kennard |
| Berry | Mauzy |
| Blanchard | Moore |
| Brooks | Parkhouse |
| Christie | Patman |
| Cole | Ratliff |
| Connally | Reagan |
| Creighton | Schwartz |
| Grover | Strong |
| Hall | Wade |
| Hardeman | Watson |
| Harrington | Wilson |
| Hazlewood | Word |
| Herring | |

A quorum was announced present.

Reverend W. H. Townsend, Chap-lain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Morning Call Dispensed With

Senator Word moved to dispense with the Morning Call.

There was objection.

Senator Word then moved that the Morning Call be dispensed with.

The motion prevailed by the following vote:

Yeas—18

| | |
|------------|-----------|
| Aikin | Hightower |
| Bates | Kennard |
| Brooks | Parkhouse |
| Christie | Patman |
| Cole | Ratliff |
| Hall | Reagan |
| Hardeman | Schwartz |
| Harrington | Watson |
| Herring | Word |

Nays—6

| | |
|-----------|-----------|
| Blanchard | Hazlewood |
| Connally | Mauzy |
| Grover | Strong |

Absent

| | |
|-----------|--------|
| Bernal | Moore |
| Berry | Wade |
| Creighton | Wilson |
| Jordan | |

Senate Concurrent Resolution 93

Senator Hall by unanimous consent offered the following resolution:

S. C. R. No. 93, Authorizing Enrolling Clerk to make certain corrections in S. B. No. 182.

Whereas, Senate Bill No. 182 has been passed by both the Senate and the House and is now in the Senate Enrolling Room; and

Whereas, A certain minor correction needs to be made in the bill, now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the Enrolling Clerk be and she is hereby directed to correct the enrolled copy of S. B. 182, Section 1, paragraph 4, by changing the figures "1953" to read "1973" and the figures "1955" to read "1975."

The resolution was read.

On motion of Senator Hall and by unanimous consent the resolution was considered immediately and was adopted.

Message From the Governor

The following message received from the Governor was read and was filed with the Secretary of the Senate:

Austin, Texas,
May 27, 1967.

To the Senate, Sixtieth Legislature, Regular Session:

I disapprove and veto Senate Bill Number 25 on the grounds that it is patently unconstitutional in several respects.

The bill provides that the beneficiary of a trust created prior to the effective date of the Texas Trust Act (1943) may, after the death of the creator of the trust, elect to come under the provisions of the Act by giving written notice of such election to the trustee. The effect of the bill is to permit a beneficiary of a trust, by his own unilateral action, to give retroactive effect to the Texas Trust Act insofar as his beneficial interest in a trust is concerned.

The Texas Trust Acts does not state whether it shall apply only to trusts created after its effective date or whether it shall also apply to such trusts created prior to such date. However, in *Binford v. Snyder*, 144 Texas 134, 189 SW2d 471 (1945), the Supreme Court held that the Act does not operate retroactively and cannot be applied to destroy a vested property right created prior to the effective date thereof. Thus, Senate Bill Number 25 would permit a beneficiary of a trust created prior to the effective date of the Texas Trust Act to give to the Act a retroactive effect which the Courts of this State have heretofore refused to give it.

More importantly, however, Section 16 of Article I of the Texas Constitution provides as follows:

"No bill of attainder, ex post facto law, retroactive law, or any law impairing the obligation of contracts, shall be made."

While the Texas Courts have upheld certain retroactive laws that are only procedural or remedial (*American Surety Company v. Axtell Company*, 120 Texas 166, 36 SW2d 715 (1935),

they have consistently held that a retroactive statute is unconstitutional under quoted portion of the Texas Constitution if it affects vested rights, whether rights determined of contract or tort, *State v. Walden*, 325 SW2d 705 (error ref n.r.e., 1959); *DeCordova v. Galveston*, 4 Texas 470 (1849).

Consequently, if the Texas Trust Act affects vested rights, created out of a contract or otherwise, the Legislature itself would have been powerless to give the Act retroactive effect to trusts created prior to its effective date; yet Senate Bill Number 25 undertakes to give that same power—a power which would have been denied to the Legislature—to the beneficiary of a trust.

In addition to the constitutional objections to Senate Bill Number 25, there are various other problems inherent therein. For example, if a pre-Texas Trust Act trust has more than one life tenant and one elects to come under the Act while the other does not, how should their respective interests be treated particularly under a vested property interest situation such as that used in the above example? Likewise, if a trust is a charitable trust, how can an election to vary terms of the trust instrument be squared with the obligations of the Attorney General with regards to charitable trusts under Article 4412a of Vernon's Texas Civil Statutes. I shall not undertake to elaborate upon these objections because, in my opinion, the constitutional defects of Senate Bill Number 25 are fatal thereto and preclude my approval thereof.

Accordingly, I am hereby returning Senate Bill Number 25 to the Senate with my objections to its passage as stated above.

Respectfully submitted,
JOHN CONNALLY,
Governor

Senate Resolution 751

Senator Hightower by unanimous consent offered the following resolution:

Whereas, The Senate is honored today by the presence of Wesley Wayne Connally, five month old son of Senator and Mrs. Wayne Connally; and

Whereas, The Senate wishes to recognize his presence by naming him

an "honorary page"; now, therefore, be it

Resolved, That Wesley Wayne Connally be designated an "honorary page" for the Senate of the 60th Legislature.

The resolution was read and was adopted.

Senator Hightower then presented Wesley Wayne Connally to the Members of the Senate.

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 89, Urging greater participation in Trade Missions and Trade Fairs in Foreign countries.

S. C. R. No. 90, Relating to European Economic Community.

S. C. R. No. 91, Authorizing corrections in Senate Bill No. 18.

S. B. No. 16, A bill to be entitled "An Act to amend Section 1 of Article IV, and Sections 2 and 4 of Article VI, Senate Bill No. 116, Chapter 334, 51st Legislature, Regular Session, 1949, as last amended by Senate Bill No. 4, Chapter 438, Acts 59th Legislature, 1965, so as to improve the minimum teacher salary schedule in the Foundation Program Act; providing for the local fund assignment for the school year 1967-68 on a specific basis, thereafter to be determined on a prescribed formula; providing a savings and severability clause; and declaring an emergency."

(With amendments.)

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Bills and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

H. J. R. No. 22, Proposing an amendment to the Constitution of the State of Texas to fix the time during

which the Members of the Legislature shall be ineligible to hold other offices.

H. J. R. No. 17, Proposing an amendment to Section 49b, Article III, of the Constitution of Texas so as to authorize an increase in the total amount of bonds or obligations that may be issued by the Veterans' Land Board to Four Hundred Million Dollars (\$400,000,000.00); providing for the issuance of said bonds or obligations and the conditions relating thereto and the use of the Veterans' Land Fund; and providing for an election and the issuance of a proclamation therefor.

H. C. R. No. 33, Granting Bobby K. Field permission to sue the State of Texas.

H. C. R. No. 40, Granting permission to Melonee Neal, Administratrix of the Estate of Washington Moore, to sue the State of Texas, etc.

H. C. R. No. 115, Granting Tom T. Pollard and his successors and assigns, permission to sue the State of Texas and the State Highway Department.

H. C. R. No. 61, Granting permission to Serco Properties to sue the State of Texas.

H. C. R. No. 116, Granting Joe B. Torres permission to sue the State of Texas in a court of competent jurisdiction.

H. B. No. 79, A bill to be entitled "An Act to amend Article 1064 of the Code of Criminal Procedure of Texas, 1925, relating to fees of District and County Clerks, and declaring an emergency."

H. B. No. 137, A bill to be entitled "An Act relating to obtaining approval of the Texas Water Rights Commission before making changes in existing improvements used for water supply; amending Article 7495, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 170, A bill to be entitled "An Act providing that each river authority and water-related district must file a copy of any audit made of its affairs with the Texas Water Rights Commission; amending Chapter 62, Acts of the 54th Legislature, 1955 (Article 8280-7, Vernon's Texas

Civil Statutes); and declaring an emergency."

H. B. No. 181, A bill to be entitled "An Act relating to the form of paper ballots and the method of marking paper ballots; amending Section 61, 62, and 63, Texas Election Code, as amended (Articles 6.05, 6.06, and 6.07, Vernon's Texas Election Code); and declaring an emergency."

H. B. No. 186, A bill to be entitled "An Act relating to the prohibition against substantial alterations in approved plans and specifications of projects and improvements undertaken by water districts and providing actions against directors of a district who do not comply with plans and specifications approved by the Texas Water Rights Commission; amending Section 139, Chapter 25, Acts of the 39th Legislature, Regular Session, 1925, as amended (Article 7880-139, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 271, A bill to be entitled "An Act repealing Section 52, Chapter 4, page 602, General Laws, Acts of the 46th Legislature, 1939 (Article 1436-1, Vernon's Texas Penal Code), relating to a motor vehicle purchaser's duty to demand a certificate of title; and declaring an emergency."

H. B. No. 292, A bill to be entitled "An Act adopting a Code Construction Act; defining general terms and providing general rules for the construction of codes (and amendments to them) enacted pursuant to the state's continuing statutory revision program; and declaring an emergency."

H. B. No. 302, A bill to be entitled "An Act validating the incorporation of cities and towns heretofore incorporated or attempted to be incorporated under the general laws of Texas; validating the boundary lines thereof, covered by the original incorporation proceedings and any subsequent extensions; validating governmental proceedings, providing certain limitations as to the application of the Act; providing a saving clause; and declaring an emergency."

H. B. No. 315, A bill to be entitled "An Act relating to the right of a defendant in a trespass to try title suit to remove improvements from

the land; amending Title 124, Revised Civil Statutes of Texas, 1925, by adding a new Article 7401A; providing a saving clause; and declaring an emergency."

H. B. No. 354, A bill to be entitled "An Act relating to raising the standards for issuance and renewal of operators', commercial operators' and chauffeurs' licenses; increasing the penalties for violation of certain traffic laws; etc., and declaring an emergency."

H. B. No. 425, A bill to be entitled "An Act repealing Subdivision 1, Article 1995, Revised Civil Statutes of Texas, 1925, as amended, relating to venue for married women; and declaring an emergency."

H. B. No. 512, A bill to be entitled "An Act exempting from the limited sales, excise, and use tax property for use in offshore exploration and production of oil, gas, and other minerals; amending Subdivision (3), Section (O), and adding Section (X), Article 20.04, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 525, A bill to be entitled "An Act amending the Special Fuels Tax Law, enacted as Chapter 10, Title 122A, Taxation-General, Revised Civil Statutes of Texas, by amending Article 10.07 to provide that a lessor of motor vehicles who supplies or pays for the special fuels consumed in motor vehicles leased to others by him may be deemed to be the user of such fuels, and may be licensed as an import-user; etc., and declaring an emergency."

H. B. No. 530, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as 'Westheimer Road Municipal Utility District,' etc., and declaring an emergency."

H. B. No. 532, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as "Tidwell Timbers Municipal Utility District," etc., and declaring an emergency."

H. B. No. 534, A bill to be entitled

"An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as "Westchester Municipal Utility District," etc., and declaring an emergency."

H. B. No. 539, A bill to be entitled "An Act adding land to Harris County Water Control and Improvement District—Fondren Road, describing the boundaries of such added land; etc., and declaring an emergency."

H. B. No. 637, A bill to be entitled "An Act relating to the compensation of the reporter for the 29th Judicial District; amending Chapter 97, Acts of the 58th Legislature, 1963 (Article 2326j-19, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 656, A bill to be entitled "An Act amending Sections 3 and 11, Chapter 103, Acts of the 57th Legislature, Regular Session, 1961, to provide that petition to have a director's name printed on the ballot as a candidate shall require not less than 25 qualified voters; and naming a depository bank for a term of three years and until a successor has been named; and declaring an emergency."

H. B. No. 688, A bill to be entitled "An Act relating to the enforceability of ad valorem tax liens encumbering interests in a mineral estate severed from a surface estate; amending Article 7172, Revised Civil Statutes of Texas, 1925, and declaring an emergency."

H. B. No. 710, A bill to be entitled "An Act making unlawful the use of force or violence, or threats thereof, to prevent, or attempt to prevent, any person from engaging in lawful and peaceful picketing within this state, etc., and declaring an emergency."

H. B. No. 733, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as "Nugent's Cove Municipal Utility District"; etc., and declaring an emergency."

H. B. No. 736, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as "Indian Hill

Estates Municipal Utility District"; etc., and declaring an emergency."

H. B. No. 795, A bill to be entitled "An Act relating to state travel regulations; amending the Traffic Regulations Act of 1959, Senate Bill No. 272, Acts of the 56th Legislature, Regular Session, 1959, as amended; repealing all laws or parts of laws in conflict; providing for severability; and declaring an emergency."

H. B. No. 807, A bill to be entitled "An Act relating to the cigar and tobacco products tax, and providing certain refunds; adding Article 8.32 to Chapter 8, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 838, A bill to be entitled "An Act authorizing the State of Texas and each of its political, governmental and administrative subdivisions, departments, agencies, association of public employees, and the governing boards and authorities of each state university, college, common and independent school district, county or political subdivision of a county of the State of Texas to procure group life insurance contracts; etc., and declaring an emergency."

H. B. No. 844, A bill to be entitled "An Act relating to the petition and service of process in adoption proceedings involving non-consenting parents; prescribing a limitation of actions; amending Sections 1a and 6, Chapter 177, general laws, Acts of the 42nd Legislature, Regular Session, 1931, as amended (Article 46a, Vernon's Texas Civil Statutes), and adding new Sections 1d and 1e; and declaring an emergency."

H. B. No. 917, A bill to be entitled "An Act authorizing Parks and Wildlife Department to expend to certain governmental units funds in lieu of taxes for Wildlife Management areas; and declaring an emergency."

H. B. No. 1041, A bill to be entitled "An Act amending Article 2137, Revised Civil Statutes of Texas, 1925; prescribing a method for claiming exemptions from jury service in counties employing the jury wheel system; and declaring an emergency."

H. B. No. 1047, A bill to be entitled "An Act amending Section 27, Sen-

ate Bill No. 36, page 544, General Laws of the State of Texas, Acts of the Forty-sixth Legislature, Regular Session, 1939, as amended by House Bill No. 611, Chapter 562, page 914, General and Special Laws of the State of Texas, Forty-seventh Legislature, Regular Session, 1941, as last amended by Section 2, Chapter 150, Acts of the Fifty-sixth Legislature, Regular Session, 1959 (Article 695c, Vernon's Texas Civil Statutes); authorizing the State Comptroller to establish two special funds in the State Treasury to be known as the "Department of Public Welfare Administration Operating Fund" and the "Department of Public Welfare Assistance Operating Fund"; etc.; and declaring an emergency."

H. B. No. 1060, A bill to be entitled "An Act relating to abolishing the office of Criminal District Attorney in Polk County; restoring the office of County Attorney of Polk County; providing for the division of functions between the District Attorney of the Ninth Judicial District and the County Attorney; repealing Chapter 381, Acts of the 54th Legislature, 1955 (Article 326k-34, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 1062, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as "Old Snake River Municipal Utility District"; declaring district a governmental agency, body politic and corporate; etc.; and declaring an emergency."

H. B. No. 1078, A bill to be entitled "An Act amending Section 6, Subsection (h), paragraph 4, Chapter 187, Acts of the 56th Legislature, Regular Session, 1959, as amended (Article 4075b, Vernon's Texas Civil Statutes), relating to the taking and sale of bait shrimp; etc., and declaring an emergency."

H. B. No. 1212, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as "Blue Ridge West Municipal Utility District"; declaring district a governmental agency, body politic and corporate; etc.; and declaring an emergency."

H. B. No. 1220, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article 16, Section 59, Constitution of Texas, known as "Little York Municipal Utility District"; declaring district a governmental agency, body politic and corporate; etc.; and declaring an emergency."

H. B. No. 1288, A bill to be entitled "An Act permitting sale of rough fish caught in a certain portion of the Sabine River; amending Section 2, Chapter 297, Acts of the 52nd Legislature, 1951, as amended; and declaring an emergency."

H. B. No. 1294, A bill to be entitled "An Act ratifying and validating all proceedings and actions had and taken by the governing body of Harris County Water Control and Improvement District No. 97; etc., and declaring an emergency."

H. B. No. 1296, A bill to be entitled "An Act relating to the terms of appointment of members of the Governor's Committee on Public School Education; amending Subsection (a), Section 5, Chapter 438, Acts of the 59th Legislature, Regular Session, 1965 (Article 2922-25, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 1312, A bill to be entitled "An Act relating to adjustment in the local fund assignment in certain school districts; amending Sections 1 and 2, Chapter 563, Acts of the 59th Legislature, Regular Session, 1965, as amended (Article 2922-16e, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 1324, A bill to be entitled "An Act fixing the season on quail in Nacogdoches, San Augustine, and Shelby counties; amending Section 2, Chapter 112, Acts of the 45th Legislature, Regular Session, 1937; and declaring an emergency."

S. B. No. 35, A bill to be entitled "An Act making privileged certain communications between a clergyman and confessor; and declaring an emergency."

S. B. No. 242, A bill to be entitled "An Act relating to the practice of professional nursing; amending Article 4518, as amended, 4525, and 4528

of, and adding Articles 4527a and 4527b to, Revised Civil Statutes of Texas, 1925; repealing Articles 776 and 777, Penal Code of Texas, 1925; and declaring an emergency."

S. B. No. 314, A bill to be entitled "An Act amending subsection (4)c of Section 1 of Senate Bill No. 116, Chapter 334, Acts of the 51st Legislature, Regular Session, 1949 (compiled as subsection (4)c under Section 1 of Article 2922-13, V.T.C.S.) to provide for supervisor units for approved exceptional children education programs, prescribing the formula for the allocation of such exceptional children supervisor unit(s) and by reference the applicable minimum salary schedule; providing for an effective date of this Act; and declaring an emergency."

S. B. No. 336, A bill to be entitled "An Act authorizing the District Attorney of the 81st Judicial District of Texas to employ a stenographer or clerk; etc., and declaring an emergency."

S. B. No. 371, A bill to be entitled "An Act providing a penalty for the failure of certain persons to comply with requests of the county auditor; adding Article 1663a to the Revised Civil Statutes of Texas, 1925; and declaring an emergency."

S. B. No. 394, A bill to be entitled "An Act authorizing the Central Education Agency by rules and regulations to establish a special program for preschool children who have mental retardation; providing for a method of financing; limiting the allocation of classroom teacher units for the scholastic years, 1967-68 and 1968-69, as a pilot program; and declaring an emergency."

S. B. No. 444, A bill to be entitled "An Act amending Section 21, Chapter 425, Acts of the 55th Legislature, Regular Session, 1957, as amended (Section 21, Article 8280-9, Vernon's Texas Civil Statutes) authorizing the Texas Water Development Board to create a centralized data bank for all hydrologic data collected in this state, providing for the travel expenses for certain employees; transferring the functions of the State Reclamation Engineer to the Texas Water Development Board; declaring unlawful the construction or

maintenance of levees without approval of plans by the Texas Water Development Board; providing penalties; repealing conflicting laws; and declaring an emergency."

S. B. No. 523, A bill to be entitled "An Act amending Article 3266 Sec. 3 of the Revised Civil Statutes of Texas of 1925 providing for the addition of a paragraph (a) to give county courts at law and district courts trying condemnation cases to set a fee for the special commissioners who act as arbitrators in such cases in an amount of not less than \$10.00 to be charged as costs of the court in such cases. Providing for an effective date, and declaring an emergency."

S. B. No. 593, A bill to be entitled "An Act amending Chapter 171, Acts 1947, 50th Legislature, as amended by Chapter 391, Acts 1949, 51st Legislature, as amended by Chapter 2, Acts 1961, 57th Legislature, as codified in the Revised Civil Statutes of Texas Title 49, Art. 2783d, Sec. 6a, concerning public education so as to specify the date for holding a run-off election of trustees on the first Saturday in May in cases where a candidate for election shall not receive a majority of the votes cast in the preceding election held on the first Saturday in April; etc.; and declaring an emergency."

S. B. No. 602, A bill to be entitled "An Act abolishing the Lomax Municipal District and repealing Chapter 438, Acts of the 57th Legislature, regular session, 1961 (Article 8280-259, Vernon's Texas Civil Statutes); and declaring an emergency."

S. B. No. 603, A bill to be entitled "An Act authorizing the Commissioners Court in certain counties to appropriate and expend funds out of the General Fund for the purpose of purchasing, constructing, restoring, preserving, maintaining and reconstructing historical landmarks, buildings, and furnishings in said counties, and providing for the expenditure thereof; providing a severability clause; and declaring an emergency."

S. B. No. 607, A bill to be entitled "An Act changing the closed season for oystering on public reefs in Calhoun County; amending Section 1, Chapter 102, Acts of the 48th Legislature, 1943, as amended; and declaring an emergency."

S. B. No. 611, A bill to be entitled "An Act to amend Section 4, Chapter 559, Acts of the 59th Legislature, Regular Session, 1965; and declaring an emergency."

S. B. No. 619, A bill to be entitled "An Act relating to bonds of the Directors and Treasurer of the Lavaca County Flood Control District, etc., and declaring an emergency."

S. B. No. 306, A bill to be entitled "An Act amending Section 1, Chapter 323, Acts of the 52nd Legislature, 1951 as amended, to make the county fire marshal law applicable to all counties; and declaring an emergency."

House Bill 986 Ordered Not Printed

On motion of Senator Bernal and by unanimous consent H. B. No. 986 was ordered not printed.

Conference Committee on House Bill 1164

Senator Berry called from the President's Table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. B. No. 1164, and moved that the request be granted.

There was objection.

Senator Berry then moved to grant the request of the House for a Conference Committee on H. B. No. 1164.

The motion prevailed.

Record of Votes

Senators Word, Hightower, Hall, Watson, Mauzy, Blanchard, Patman, Herring, Moore, Creighton, Aikin and Ratliff asked to be recorded as voting "Nay" on the motion to grant the request of the House for a Conference Committee.

Accordingly, the President announced the appointment of the following Conferees on the part of the Senate on the bill: Senators Berry, Bates, Brooks, Hardeman and Wade.

House Concurrent Resolution 150 on Second Reading

The President laid before the Senate the following resolution:

H. C. R. No. 150, In memory of Roy Taylor Stockman.

The resolution was read.

By unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.

House Bill 911 on Third Reading

On motion of Senator Word and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading H. B. No. 911 (the bill having been read the second time on yesterday).

Question—Shall H. B. No. 911 be passed to third reading?

Senator Hazlewood offered the following amendment to the bill:

Amend H. B. No. 911 by removing Wheeler County from District 75 and placing it in District 79 and by removing Carson County from District 79 and placing it in District 75.

The amendment was read and was adopted.

Senator Watson offered the following amendment to the bill:

Amend H. B. No. 911 by striking all of District 35 and substituting a new District 35 to read as follows:

"35. That part of McLennan County included in the following:

"Beginning at the point where Tradinghouse Creek intersects the common boundary of McLennan and Limestone counties;

"Then southwest along Tradinghouse Creek to its intersection with Tehuacana Creek;

"Then south and southwest along Tehuacana Creek to the Brazos River;

"Then northwest along the Brazos River to the southern city limits of Waco;

"Then generally west along the city limits of Waco to State Highway 6 (Loop 340);

"Then northwest on State Highway 6 to the city limit of Waco at a point immediately south of Fish Pond Road;

"Then north on the city limit of Waco to Fish Pond Road;

"Then east on Fish Pond Road to Ridgewood Drive;

"Then north on Ridgewood Drive to North Valley Mills Drive;

"Then east on North Valley Mills Drive to Waco Drive;

"Then northeast along Waco Drive to North 38th Street;

"Then northwest along North 38th Street to Harlan Avenue;

"Then southwest along Harlan Avenue to Sunset Drive;

"Then north along Sunset Drive to North 39th Street;

"Then northwest along North 39th Street to Colcord Avenue;

"Then southwest along Colcord Avenue to North 41st Street;

"Then northwest along North 41st Street to Cobbs Drive;

"Then southwest along Cobbs Drive to North 42nd Street;

"Then north along North 42nd Street to Hillcrest Drive;

"Then east along Hillcrest Drive to North 41st Street;

"Then north along North 41st Street and an extension of North 41st Street to Lake Waco;

"Then north along Lake Waco to Lake Shore Drive;

"Then northeast along Lake Shore Drive to the North Bosque River;

"Then north, east and southeast along the North Bosque River to the Brazos River;

"Then northeast and generally northwest along the Brazos River to the McLennan County line;

"Then east and south along the McLennan County line to Tradinghouse Creek, the point of beginning.

"Place 1

"Place 2."

The amendment was read and was adopted.

Pending discussion by Senator Mauzy of the bill, Senator Aikin occupied the Chair.

(President in the Chair.)

Question—Shall H. B. No. 911 be passed to third reading?

Motion for Committee on Transportation to Meet While Senate in Session

Senator Bates asked unanimous consent that the Transportation Committee be granted permission to meet while the Senate was in session.

There was objection.

Message From the House

Hall of the House of Representatives,
Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 137, Granting Bonifacia Cavazos permission to sue the State of Texas.

H. C. R. No. 154, Granting McCarty-Connally Company permission to sue the University of Texas.

H. C. R. No. 155, Creating an interim Committee to study the Code of Criminal Procedure and the revision of the Penal Code.

H. C. R. No. 160, Granting Frank S. Buhler permission to sue the State of Texas.

H. C. R. No. 161, Requesting the Comptroller to return House Bill No. 1137 to the House for corrections.

H. C. R. No. 163, Directing the Enrolling and Engrossing Clerk of the House to make certain corrections in H. B. No. 78.

H. C. R. No. 165, Authorizing Enrolling and Engrossing Clerk of the House to make certain corrections in H. B. No. 1161.

H. C. R. No. 166, Directing the Enrolling and Engrossing Clerk to correct H. J. R. No. 12.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bill 911 on Second Reading

The Senate resumed the consideration of the pending business, (same being H. B. No. 911 on its second reading and passage to third reading).

Question—Shall H. B. No. 911 be passed to third reading?

Senator Blanchard offered the following amendment to the bill:

Amend H. B. No. 911, page 18 at "72." by deleting therefrom the word "Cochran."

The amendment was read and failed of adoption.

On motion of Senator Word, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

Record of Vote

Senator Mauzy asked to be recorded as voting "Nay" on the passage of H. B. No. 911 to third reading.

House Bill 911 on Third Reading

Senator Word moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 911 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

| | |
|------------|-----------|
| Aikin | Herring |
| Bates | Hightower |
| Blanchard | Jordan |
| Brooks | Mauzy |
| Christie | Moore |
| Cole | Parkhouse |
| Connally | Patman |
| Creighton | Ratliff |
| Grover | Reagan |
| Hall | Strong |
| Hardeman | Wade |
| Harrington | Wilson |
| Hazlewood | Word |

Nays—4

| | |
|--------|----------|
| Bernal | Kennard |
| Berry | Schwartz |

Absent

Watson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Mauzy, Bernal, Ratliff, Kennard and Schwartz asked to be recorded as voting "Nay" on the final passage of the bill.

Reason for Vote

I voted against H. B. No. 911 because, in my judgment, it does not meet the Constitutional tests laid down by the United States District Court for the Southern District of Texas in *Kilgarlin v. Martin*, Civil Action 63-H-390, and by the Supreme Court of the United States in *Kilgarlin v. Hill*, decided February 20, 1967. The population variance, by the most charitable view, has only been reduced from 26.4% to 24.2%. Plans to reduce this population variance were introduced, and could have been enacted by this session of the Legislature. Specifically, Bexar County should have been granted one additional Member of the House of Representatives, as pointed out by the Supreme Court of the United States, in its opinion of February 20, 1967. In my judgment, 150 individual member districts of equal population are required to meet the Constitutional requirements of the Supreme Court of the United States. I cannot, in good conscience, vote for a bill which I consider to be unconstitutional.

MAUZY

(Senator Hardeman in the Chair.)

House Resolution on First Reading

The following resolution received from the House, was read the first time and referred to the Committee indicated:

H. C. R. No. 160, to the Committee on Counties, Cities and Towns.

(President in the Chair.)

**House Concurrent Resolution 112
on Second Reading**

The President laid before the Senate the following resolution:

H. C. R. No. 112, Establishing a state park to include Sabinal Canyon.

The resolution was read.

By unanimous consent, the resolution was considered immediately and was adopted.

**House Concurrent Resolution 165
on Second Reading**

The President laid before the Senate the following resolution:

H. C. R. No. 165, Authorizing Enrolling and Engrossing Clerk of the House to make certain corrections in H. B. No. 1161.

The resolution was read.

By unanimous consent the resolution was considered immediately and was adopted.

**House Concurrent Resolution 161
on Second Reading**

The President laid before the Senate the following resolution:

H. C. R. No. 161, Requesting the Comptroller to return H. B. No. 1137 to the House of Representatives for correction.

The resolution was read.

By unanimous consent, the resolution was considered immediately and was adopted.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the adoption of the above resolution.

**House Concurrent Resolution 163
on Second Reading**

The President laid before the Senate the following resolution:

H. C. R. No. 163, Directing the Engrossing and Enrolling Clerk of the House to make certain corrections in H. B. No. 78.

The resolution was read.

By unanimous consent, the resolution was considered immediately and was adopted.

House Bill 1336 Re-referred

On motion of Senator Herring, and by unanimous consent H. B. No. 1336 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on Counties, Cities and Towns.

House Bill 166 on Third Reading

Senator Bates asked unanimous consent to suspend the regular order of business and take up H. B. No. 166 for consideration at this time.

There was objection.

Senator Bates then moved to suspend the regular order of business and take up H. B. No. 166 for consideration at this time.

The motion prevailed by the following vote:

Yeas—21

| | |
|------------|----------|
| Bates | Jordan |
| Bernal | Kennard |
| Berry | Mauzy |
| Brooks | Moore |
| Christie | Patman |
| Cole | Ratliff |
| Grover | Reagan |
| Hall | Schwartz |
| Hardeman | Watson |
| Harrington | Wilson |
| Herring | |

Nays—9

| | |
|-----------|-----------|
| Aikin | Parkhouse |
| Blanchard | Strong |
| Connally | Wade |
| Creighton | Word |
| Hazlewood | |

Absent

Hightower

The President laid before the Senate on its third reading and final passage the following bill:

H. B. No. 166, A bill to be entitled "An Act defining certain words and terms as used herein; requiring that school districts of this State, as herein defined, employ teachers by probationary contract or by continuing contract as herein defined, etc., and declaring an emergency."

The bill was read third time.

Pending discussion by Senator Bates of the bill, Senator Strong moved the Previous Question on the final passage of the bill and the motion was duly seconded.

Question—Shall the Previous Question now be put?

The motion for the Previous Question failed to be ordered by the following vote:

Yeas—17

| | |
|----------|------------|
| Aikin | Cole |
| Bates | Hardeman |
| Bernal | Harrington |
| Berry | Herring |
| Brooks | Hightower |
| Christie | Jordan |

Kennard
Patman
Ratliff

Wade
Watson

Nays—14

| | |
|-----------|-----------|
| Blanchard | Moore |
| Connally | Parkhouse |
| Creighton | Reagan |
| Grover | Schwartz |
| Hall | Strong |
| Hazlewood | Wilson |
| Mauzy | Word |

The bill, as amended, was finally passed.

Record of Votes

Senators Strong, Word, Connally, Blanchard, Aikin, Hazlewood, Parkhouse, Creighton, and Watson asked to be recorded as voting "Nay" on the final passage of the bill.

House Concurrent Resolution 166
on Second Reading

The President laid before the Senate the following resolution:

H. C. R. No. 166, Directing the Engrossing and Enrolling Clerk to make certain corrections in H. J. R. No. 12.

The resolution was read.

By unanimous consent the resolution was considered immediately and was adopted.

House Resolution on First Reading

The following resolution received from the House, was read the first time and referred to the Committee indicated:

H. J. R. No. 64, to the Committee on Constitutional Amendments.

Conference Committee on House Joint Resolution 27

Senator Blanchard called from the President's Table for consideration at this time, the request of the House for a Conference Committee to adjust the differences between the two Houses on H. J. R. No. 27, and moved that the request be granted.

The motion prevailed.

Accordingly, the President announced the appointment of the following Conferees on the part of the

Senate on the bill: Senators Blanchard, Herring, Brooks, Hall and Harde-
man.

Reports of Standing Committees

Senator Hall by unanimous consent submitted the following report:

Austin, Texas,

May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. C. R. No. 160, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

WORD

CHRISTIE

Senator Christie by unanimous consent submitted the following report:

Austin, Texas,

May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to which was referred H. C. R. No. 129, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

CHRISTIE, Chairman.

HERRING

BROOKS

SCHWARTZ

WILSON

Senator Hall by unanimous consent submitted the following report:

Austin, Texas,

May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1336, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.

WORD

CHRISTIE

House Bill 1336 Ordered Not Printed

On motion of Senator Herring and by unanimous consent H. B. No. 1336 was ordered not printed.

Conference Committee Report on House Bill 357

Senator Blanchard submitted the following Conference Committee Report on H. B. No. 357:

Austin, Texas,

May 27, 1967.

Hon. Preston Smith, Lieutenant Governor, President of the Senate.

Hon. Ben Barnes, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on House Bill No. 357, have met and had the same under consideration and beg to report it back with the recommendation that it do pass in the form attached.

BLANCHARD

HARDEMAN

JORDAN

WADE

WILSON

On the part of the Senate.

BARTON

CREWS

HENDRYX

WAYNE

On the part of the House.

H. B. No. 357,

A BILL

To Be Entitled

An Act relating to compulsory inspection of certain equipment on motor vehicles, trailers, semitrailers, pole trailers, and mobile homes, registered in this State; amending Subsections (a) and (b) of Section 140, Subsections (a), (b), (d), and (e) of Section 141, and Subsection (a) of Section 142, Chapter 421, Acts of the 50th Legislature, Regular Session, 1947, as amended (Article 6701d, Sections 140, 141, and 142, Vernon's Texas Civil Statutes); and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Subsection (a) and (b) of Section 140, Chapter 421, Acts of

the 50th Legislature, Regular Session, 1947, as amended by Chapter 290, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6701d, Section 140, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) It shall be the duty of the Texas Department of Public Safety to require every owner of a motor vehicle, trailer, semitrailer, pole trailer or mobile home, registered in this State, to have the brakes, lighting equipment, horns and warning devices, mirrors, windshield wipers, front seat belts in vehicles where seat belt anchorages were part of the manufacturer's original equipment on the vehicle, steering (including power steering) and wheels and rims (not to involve removal of wheel from vehicle), inspected at State-appointed inspection stations or by State Inspectors as hereinafter provided. Provisions relating to the inspection of trailers and semitrailers shall not apply when the gross weight of such trailers and semitrailers and the load carried thereon is four thousand (4,000) pounds or less. Only the brakes, lighting equipment, horns and warning devices, mirrors, windshield wipers, front seat belts in vehicles where seat belt anchorages were part of the Manufacturer's original equipment on the vehicle, steering (including power steering), and wheels and rims (not to involve removal of wheel from vehicle), may be inspected, and the owner shall not be required to have any other equipment or part of his motor vehicle inspected as a prerequisite for the issuance of an inspection certificate.

"(b) If such inspection discloses the necessity for adjustments, corrections, or repairs, only the brakes, lighting equipment, horns and warning devices, mirrors, windshield wipers, front seat belts in vehicles where seat belt anchorages were part of the manufacturer's original equipment on the vehicle, steering (including power steering), and wheels and rims (not to involve removal of wheel from vehicle), shall be adjusted, corrected, or repaired before a certificate is issued as hereinafter provided. The owner may have such adjustments, corrections, or repairs made by such qualified person or persons as he may choose, subject to reinspection as hereinafter provided."

Sec. 2. Subsections (a), (b), (d),

and (e) of Section 141, Chapter 421, Acts of the 50th Legislature, Regular Session, 1947, as amended by Chapter 290, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6701d, Section 141, Vernon's Texas Civil Statutes), is amended to read as follows:

"(a) The Department may establish State-appointed inspection stations to carry out the provisions of this Section. Such stations may be located anywhere in the State, and should any be established or appointed there shall be at least one (1) for each county. The Department is authorized to furnish instructions to, and to supervise official inspection stations for inspection of motor vehicles, trailers, semitrailers, pole trailers and mobile homes for the proper and safe performance of brakes, lighting equipment, horns and warning devices, mirrors, windshield wipers, front seat belts in vehicles where seat belt anchorages were part of the manufacturer's original equipment on the vehicle, steering (including power steering), and wheels and rims (not to involve removal of wheel from vehicle). Every person desiring to operate as an official inspection station shall file an application for a certificate of appointment with the Department.

"The application shall be made upon a form prescribed and furnished by the Department, and shall set forth the name under which the applicant transacts or intends to transact business, the location of his place of business within the State, and such other information as the Department may require. If the applicant has or intends to have more than one place of business within the State, a separate application shall be made for each place of business.

"If the applicant is an association, the application shall set forth the names and the addresses of the persons constituting the association, and if a corporation, the names and addresses of the principal officers thereof, and any other information prescribed by the Department for purposes of identification. The application shall be signed and verified by oath or affirmation by the owner, if a natural person; in the case of a corporation, by an executive officer thereof or some person specifically authorized by the corporation to sign the application, to which shall be at-

tached written evidence of his authority.

"Only such locations which fulfill the Department's requirements and whose owners or proprietors comply with Department regulations shall qualify and be appointed and issued a certificate. Upon approval of an application, the Department shall issue to the owner a certificate of appointment as an official inspection station for the place of business within the State set forth in the application.

"Certificates of appointment shall not be assignable, and shall be valid for the owners in whose names issued and for the transaction of business at the place designated therein, and shall at all times be conspicuously displayed at the place for which issued.

"Upon being advised that an application will be approved, the applicant shall provide the bond hereinafter required and a fee of Ten Dollars (\$10) which shall constitute the certificate fee until August thirty-first of the odd-numbered year following the date of appointment. Thereafter, appointments shall be made for two-year periods and the certificate fee for each such period shall be Ten Dollars (\$10). All certificate fees shall be placed in a fund in the State Treasury to be known as the Motor Vehicle Inspection Fund and shall be used by the Department in the administration of this Act.

"(b) Every owner of an official inspection station shall be required to furnish a bond payable to the State of Texas in the amount of One Thousand Dollars (\$1,000), to be approved by the Director of the Department, with two or more good and solvent sureties, or one corporate surety qualified by law to make such bond, to indemnify the State against the violation of any of the terms and conditions of this Act. Except where the surety is a corporate surety as herein provided, the bond shall first be submitted to the county judge of the county in which the inspection station is located, who shall make his recommendation to the Director whether the bond be approved or disapproved. Any inspector or any official or employee of any inspection station who shall issue an official certificate of inspection without having made an inspection of the vehicle

for which it is issued or who shall knowingly or willfully issue an official inspection certificate for a motor vehicle or vehicle, the brakes, lighting equipment, horns and warning devices, mirrors, windshield wipers, front seat belts in vehicles where seat belt anchorages were part of the manufacturer's original equipment on the vehicle, steering (including power steering), and wheels and rims (not to involve removal of wheel from vehicle), of which are not at the time of such issuance in a good condition and in conformity with the laws of this State shall forfeit said bond to the State of Texas."

"(d) The fee for compulsory inspection to be made under this Section shall be One Dollar and seventy-five cents (\$1.75). Fifty cents (50¢) of each fee shall be paid to the Department and shall be placed in the Motor Vehicle Inspection Fund for the purpose of paying the expense of the administration of this law. The Department may require each official inspection station to make an advance payment of fifty cents (50¢) for each inspection certificate furnished to it, and the money so received shall be placed in the Motor Vehicle Inspection Fund, and no further payment to the Department shall be required upon issuance of the certificate. If such advance payment has been made, the Department shall refund to the inspection station the amount of fifty cents (50¢) for each unissued certificate which the inspection station returns to the Department in accordance with rules and regulations promulgated by the Department.

"If an inspection disclosed the necessity for adjustments, corrections, or repairs to brakes, lighting equipment, horns and warning devices, mirrors, windshield wipers, front seat belts in vehicles where seat belt anchorages were part of the manufacturer's original equipment on the vehicle, steering (including power steering), and wheels and rims (not to involve removal of wheel from vehicle), such motor vehicles shall be reinspected free of charge after the adjustments, corrections, or repairs have been made. Any such motor vehicle under the terms of this Act, if involved in an accident subsequent to the required inspection, shall return to an inspection station after adequate repairs are made for a second and reinspection procedure.

"(e) No certificate of inspection shall be issued by any inspector or inspection station until the brakes, lighting equipment, horns and warning devices, mirrors, windshield wipers, front seat belts in vehicles where seat belt anchorages were part of the manufacturer's original equipment on the vehicle, steering (including power steering), and wheels and rims (not to involve removal of wheel from vehicle), have been inspected and found to be in proper and safe condition and to comply with the laws of this State. No person shall make, issue, or knowingly use an imitation or counterfeit of an official inspection certificate. The Department shall authorize the acceptance in this state of a certificate of inspection and approval issued in another state having an inspection law similar to this Act. The Department may extend the time within which a certificate shall be obtained by a resident owner of a vehicle who was not in this state during the time an inspection was required."

Section 3. Subsection (a) of Section 142, Chapter 421, Acts of the 50th Legislature, Regular Session 1947, as amended by Chapter 290, Acts of the 53rd Legislature, Regular Session, 1953 (Article 6701d, Section 142, Vernon's Texas Civil Statutes), is amended to read as follows:

"Section 142. (a) The Department may establish uniform standards of safety as prescribed in Article XIV of this Act wherever applicable with respect to brakes, lighting equipment, horns and warning devices, mirrors, windshield wipers, front seat belts in vehicles where seat belt anchorages were part of the manufacturer's original equipment on the vehicle, steering (including power steering), and wheels and rims (not to involve removal of wheel from vehicle). Such standards of safety shall be posted in every official inspection station. Every motor vehicle inspected shall be required to conform in all respects to the standards of safety established pursuant to this Section."

Sec. 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be

suspended, and this Rule is hereby suspended.

The Conference Committee Report was read and was adopted.

House Concurrent Resolution 160 Ordered Not Printed

On motion of Senator Hardeman and by unanimous consent H. C. R. No. 160 was ordered not printed.

House Bill 168 on Second Reading

On motion of Senator Parkhouse and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 168, A bill to be entitled "An Act relating to the deposit of fees collected by the Texas Water Rights Commission with the State Treasurer in a Texas Water Rights Commission Fund; appropriating the deposits to the Commission for the biennium ending August 31, 1969; amending Article 7533, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 168 on Third Reading

Senator Parkhouse moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 168 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

| | |
|------------|-----------|
| Aikin | Hightower |
| Bates | Jordan |
| Bernal | Kennard |
| Berry | Mauzy |
| Blanchard | Moore |
| Brooks | Parkhouse |
| Christie | Patman |
| Cole | Ratliff |
| Connally | Reagan |
| Creighton | Schwartz |
| Grover | Strong |
| Hall | Wade |
| Hardeman | Watson |
| Harrington | Wilson |
| Hazlewood | Word |
| Herring | |

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

At Ease

The President announced at 3:20 o'clock p.m. that the Senate would stand At Ease Subject to the Call of the Chair.

In Legislative Session

The President called the Senate to order as In Legislative Session at 3:35 o'clock p.m.

Bills and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

S. B. No. 437, A bill to be entitled "An Act amending Sections 1 and 2 of Chapter 172, Acts 1937, Forty-fifth Legislature, codified as Article 165-3, Vernon's Annotated Civil Statutes by changing and modernizing definitions of milk and certain milk products to conform with definitions adopted by the United States Public Health Service; declaring legislative intent; authorizing the Commissioner of Health to promulgate regulations under prescribed procedures; requiring uniformity of standards; and declaring an emergency."

S. B. No. 597, A bill to be entitled "An Act to authorize the Parks and Wildlife Department to rehabilitate the Copano Bay Causeway as a public fishing pier and recreation area; providing for financing; and declaring an emergency."

S. B. No. 561, A bill to be entitled "An Act relating to the terms of office of the mayor and aldermen of certain towns and villages; amending Article 1143, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

S. B. No. 509, A bill to be entitled "An Act providing procedures for the abolition of cities and towns, and towns and villages, incorporated under the general laws, and cities and towns of ten thousand inhabitants or less chartered under special law; pro-

viding for the calling of elections on the question of such abolition on petition to the mayor; providing for the qualification of voters in such elections and the conduct and canvass of such elections, repealing certain statutes, and containing a severability clause, and declaring an emergency."

S. B. No. 376, A bill to be entitled "An Act amending Section 1 of Chapter 143, page 419, Acts of the 58th Legislature, which is codified as Article 326k-48, Vernon's Texas Civil Statutes, to supplement the salary of the District Attorney of the 81st Judicial District; and declaring an emergency."

S. B. No. 318, A bill to be entitled "An Act to amend and reenact Chapter 274, page 406, Section 1, Acts of the 48th Legislature, so that an additional period is provided in which practicing architects who were practicing on May 22, 1937, may register and receive a certificate without examination; and declaring an emergency."

S. B. No. 529, A bill to be entitled "An Act validating the proceedings and ordinances by incorporated cities annexing or attempting to annex areas that include the entire territory of a water control and improvement district where a public hearing has been held; validating the boundaries of such city after such annexation or attempted annexation; providing certain limitations as to the application of the Act; providing a savings clause; and declaring an emergency."

S. B. No. 445, A bill to be entitled "An Act amending Chapter 425, Acts of the 55th Legislature, Regular Session, 1957, as amended (Section 24, Article 8280-9, Vernon's Texas Civil Statutes) relating to the sponsorship of water resource development projects in this state; and declaring an emergency."

S. J. R. No. 24, Proposing an amendment to Article 8 of the Constitution of the State of Texas by adding a Section 2-a to authorize the Legislature to provide a system for exempting certain property from ad valorem taxation.

H. C. R. No. 156, Directing Enrolling Clerk to make certain corrections in H. B. No. 914.

H. J. R. No. 37, Proposing an Amendment to Article IX of the Constitution of the State of Texas, to permit municipalities, other political subdivisions, and State supported entities located within hospital districts to participate in the establishment, maintenance, support, or operation of mental health services or mental retardation services or public health services.

H. B. No. 178, A bill to be entitled "An Act repealing Article 7584, Revised Civil Statutes of Texas, 1925, Relating to the prohibition against acquisition of riparian rights, water rights, water supply, and certain facilities and lands by a person, corporation, city, town, municipality, or other public corporation by eminent domain or condemnation; and declaring an emergency."

H. B. No. 397, A bill to be entitled "An Act amending Article 6699, Revised Civil Statutes of Texas, 1925, as amended, to provide for the authorization of the employment by counties of not more than five regular deputies, nor more than two additional deputies for special emergency aid to said regular deputies for county highway patrol work; and declaring an emergency."

H. B. No. 426, A bill to be entitled "An Act providing for payment of pensions to certain former Texas Rangers; amending Section 1, Chapter 283, General Laws, Acts of the 56th Legislature, Regular Session, 1959 (Article 6228e, Vernon's Texas Civil Statutes), by adding a new Subdivision (5) to Subsection (a); and declaring an emergency."

H. B. No. 475, A bill to be entitled "An Act amending the Special Fuel Tax Law, enacted as Chapter 10, Title 122A, Taxation-General, Revised Civil Statutes of Texas, by amending subsection (6) of Article 10.03 authorizing suppliers of liquefied gas to make deductions from the taxable gallons to cover fuel used in stationary pumping operations; containing savings and severability clauses; repealing laws in conflict with this Act; and declaring an emergency."

H. B. No. 684, A bill to be entitled "An Act relating to the filling of vacancies on boards of trustees of

independent school districts; and declaring an emergency."

H. B. No. 594, A bill to be entitled "An Act making it unlawful for a person to enter upon a boat, vessel, ship, or other watercraft of another without the consent of the owner or other person in charge thereof; providing a penalty; empowering peace officers to arrest without a warrant a person found on a boat, vessel, ship, or other watercraft of another under circumstances which reasonably indicate that he entered upon it without the consent of the owner or other person in charge thereof; and declaring an emergency."

H. B. No. 675, A bill to be entitled "An Act relating to fees of sheriffs and constables in certain counties; amending Section 1, Chapter 696, Acts of the 59th Legislature, Regular Session, 1965 (Article 3933a, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 696, A bill to be entitled "An Act providing for and regulating the restoration to employment of certain employees of the State, political subdivision, state institution, county or municipality thereof, who serve in the Armed Forces of the United States, Texas National Guard or Texas State Guard; and declaring an emergency."

H. B. No. 702, A bill to be entitled "An Act relating to and fixing minimum and maximum salary of the official shorthand reporter for the 156th Judicial District of Texas; and declaring an emergency."

H. B. No. 716, A bill to be entitled "An Act relating to reconveyance by the State of property acquired for highway purposes; amending Section 1, Chapter 99, General Laws, Acts of the 42nd Legislature, Regular Session, 1931, as amended (Article 6673a, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 739, A bill to be entitled "An Act authorizing the board of managers of the Lamar County Hospital District to buy, sell or lease surplus land; amending Chapter 422, Acts of the 56th Legislature, Regular Session, 1959, as amended, by adding a Section 4a; and declaring an emergency."

H. B. No. 743, A bill to be entitled "An Act relating to the assessment and collection of taxes by cities for other taxing entities; amending Chapter 351, Acts of the 49th Legislature, 1945 (Article 1066b, Vernon's Texas Civil Statutes), by adding Section 1b; and declaring an emergency."

H. B. No. 808, A bill to be entitled "An Act relating to payment for care of patients residing outside the limits of a hospital district; amending Section 5, Chapter 266, Acts of the 53rd Legislature, Regular Session, 1953, as amended (Article 4494n, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 836, A bill to be entitled "An Act authorizing the Attorney General to bring suit to enjoin certain persons from continuing in business until certain reports are filed and certain taxes are paid and authorizing the Comptroller to require security as a condition for receiving or retaining a permit; amending Chapter 1, Title 122A, Revised Civil Statutes of Texas, 1925, as amended, by adding Article 1.14; and declaring an emergency."

H. B. No. 851, A bill to be entitled "An Act providing for the compensation of the official shorthand reporter of the 2nd 38th Judicial District Court of Texas; providing the manner of payment; and declaring an emergency."

H. B. No. 865, A bill to be entitled "An Act relating to the seizure and sale of property to collect delinquent taxes; amending Chapter 1, Title 122A, Revised Civil Statutes of Texas, 1925, as amended, by adding Article 1.15; repealing Section (H), Article 20.09, Title 122A, Taxation-General; and declaring an emergency."

H. B. No. 859, A bill to be entitled "An Act relating to the tax on cigars; adding Paragraph (q) to Article 8.01, and amending Paragraph (c), Article 8.02, Title 122A, Taxation-General, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 868, A bill to be entitled "An Act amending Section 3, Chapter 474, Acts of the 52nd Legislature, 1951 (codified as Article 2543c, Vernon's Texas Civil Statutes), and Sec-

tion 2, Chapter 221, General Laws, Acts of the 43rd Legislature, Regular Session, 1933 (codified as Article 2654d, Vernon's Texas Civil Statutes), requiring the governing boards of State institutions of higher education to deposit certain institutional receipts in the State Treasury within seven (7) days of collection; and declaring it an emergency."

H. B. No. 869, A bill to be entitled "An Act providing for the conveyance by the Chairman of the Board of Directors of Texas Technological College, on behalf of the State of Texas, to the City of Lubbock, of a permanent water line easement in order to construct, reconstruct, and perpetually maintain a water line together with all appurtenances thereto, in, under, and across certain lands in Lubbock County, Texas; etc., and declaring an emergency."

H. B. No. 1029, A bill to be entitled "An Act creating and establishing a conservation and reclamation district under Article XVI, Section 59, of the Constitution of Texas comprising all the territory and property of Long Island, situated in Laguna Madre, immediately adjacent to the city of Port Isabel, Texas, to be known as Long Island Utility District; etc., and declaring an emergency."

H. B. No. 1118, A bill to be entitled "An Act relating to the governor's approval for reimbursement of certain travel expenses incurred in transacting official business; amending Section 5, Chapter 231, Acts of the 56th Legislature, Regular Session, 1959 (Article 6823a, Vernon's Texas Civil Statutes); and declaring an emergency."

H. B. No. 1122, A bill to be entitled "An Act amending Section 41 of Acts 1932, 42nd Legislature, 3rd Called Session, Chapter 27 (Article 8263e of Vernon's Texas Civil Statutes), so as to authorize navigation districts coming within the scope of said Act to acquire, construct, and own lands and all improvements incident to or necessary in the proper operation and development of said districts, ports, or waterways; etc., and declaring an emergency."

H. B. No. 1157, A bill to be entitled "An Act defining eligible investments

available for public funds, and declaring an emergency."

H. B. No. 1233, A bill to be entitled "An Act relating to the creation, establishment, maintenance, and operation of a hospital district in Cochran County pursuant to Section 9, Article IX, Constitution of the State of Texas; and declaring an emergency."

H. B. No. 1241, A bill to be entitled "An Act creating the North Jefferson County Hospital District." etc., and declaring an emergency."

H. B. No. 1283, A bill to be entitled "An Act relating to the creation and operation of a research park on a portion of the campus of Texas Technological College; and declaring an emergency."

H. B. No. 1289, A bill to be entitled "An Act relating to the season on deer in Smith County; amending Section 2, Chapter 417, Acts of the 58th Legislature, 1963; and declaring an emergency."

H. B. No. 1279, A bill to be entitled "An Act creating Rio Grande Valley Pollution Control Authority, a defined district, under Article XVI, Section 59, of the Constitution, comprising all of the territory contained in the counties of Cameron and Hidalgo; etc., and declaring an emergency."

H. B. No. 1311, A bill to be entitled "An Act granting the Parks and Wildlife Commission regulatory authority over fishing on the Sam Rayburn Reservoir in Angelina, Nacogdoches, Sabine, and San Augustine counties; amending Sections 1, 2 and 14, Chapter 19, Acts of the 55th Legislature, 2nd Called Session, 1957; and declaring an emergency."

H. B. No. 1327, A bill to be entitled "An Act amending Section 1, Chapter 125, Acts of the 52nd Legislature, 1951, as amended, relating to the regulatory authority of the Parks and Wildlife Commission in certain counties, to add Bastrop County and Fayette County to the list of counties regulated; and declaring an emergency."

H. B. No. 1341, A bill to be entitled "An Act relating to the compensation of members of the County School Trustees of counties having a popu-

lation of not less than 95,000 and not more than 115,000; amending Article 2687, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

H. B. No. 1343, A bill to be entitled "An Act amending Article 1389, Penal Code of Texas, 1925, relating to burglary; and declaring an emergency."

H. B. No. 1345, A bill to be entitled "An Act creating a Conservation and Reclamation District under Article XVI, Section 59, of the Constitution comprising all of the territory contained in the boundaries of Lamar County, Texas, except that part of Lamar County contained within the corporate limits of the city of Paris, Texas, as of the effective date of this Act, to be known as Lamar County Water Supply District, for the purpose of providing a source of water supply for cities and other users within or without the District for municipal, domestic, industrial and mining purposes; etc., and declaring an emergency."

H. B. No. 1356, A bill to be entitled "An Act relating to an additional class of counties that are to use jury wheels in selecting juries; amending Article 2094, Revised Civil Statutes of Texas, 1925, as amended, and declaring an emergency."

House Concurrent Resolution 135 on Second Reading

The President laid before the Senate the following resolution:

H. C. R. No. 135, Congratulating Tommy "Snuff" Garrett.

The resolution was read.

By unanimous consent, the resolution was considered immediately and was adopted.

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House refused to concur in

Senate amendments to H. J. R. No. 27 and has requested the appointment of a Conference Committee to consider the differences between the two Houses: D. Jones, Hale, Jamison, Armstrong, Price.

S. C. R. No. 88, Granting J. W. Luttet permission to sue the State.

H. B. No. 1020, A bill to be entitled "An Act relating to quarterly semester pilot programs in the public schools; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Resolution on First Reading

The following resolution received from the House, was read the first time and referred to the Committee indicated:

H. C. R. No. 137, to the Committee on Counties, Cities and Towns.

House Bill 1245 on Second Reading

On motion of Senator Patman and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1245, A bill to be entitled "An Act relating to the creation of the Colonia-Chaparral Municipal Utility District in Guadalupe County as a conservation and reclamation district under the provisions of Section 59, Article XVI, of the Constitution of the State of Texas; prescribing the powers, duties, functions and procedures of the district; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 1245 on Third Reading

Senator Patman moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 1245 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin

Bates

| | |
|------------|-----------|
| Bernal | Jordan |
| Berry | Kennard |
| Blanchard | Mauzy |
| Brooks | Moore |
| Christie | Parkhouse |
| Cole | Patman |
| Connally | Ratliff |
| Creighton | Reagan |
| Grover | Schwartz |
| Hall | Strong |
| Hardeman | Wade |
| Harrington | Watson |
| Hazlewood | Wilson |
| Herring | Word |
| Hightower | |

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

| | |
|------------|-----------|
| Aikin | Hightower |
| Bates | Jordan |
| Bernal | Kennard |
| Berry | Mauzy |
| Blanchard | Moore |
| Brooks | Parkhouse |
| Christie | Patman |
| Cole | Ratliff |
| Connally | Reagan |
| Creighton | Schwartz |
| Grover | Strong |
| Hall | Wade |
| Hardeman | Watson |
| Harrington | Wilson |
| Hazlewood | Word |
| Herring | |

Report of Standing Committee

Senator Hall by unanimous consent submitted the following report:

Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. C. R. No. 137, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman.
CHRISTIE
WORD

Conference Committee Report on Senate Bill 295

Senator Hightower submitted the

following Conference Committee Report on S. B. No. 295:

Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Hon. Ben Barnes, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on S. B. No. 295 have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

HIGHTOWER
BATES
BLANCHARD
CHRISTIE
CREIGHTON

On the part of the Senate.

SLIDER
BIRKNER
HAINES
HENDRYX
G. MOORE

On the part of the House.

S. B. No. 295,

A BILL

To Be Entitled

An Act to be referred to for all purposes as "The Uniform Wildlife Regulatory Act" conferring on the Parks and Wildlife Commission of Texas the authority, power and duty of protecting and regulating the harvest of wildlife resources in various Counties; defining such resources; prescribing certain limitations; prescribing the manner of adoption and publication of regulations; providing a penalty for violation; providing for repeal of certain Acts; declaring provisions to be severable and providing a savings clause; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. This Act shall be referred to for all purposes as "The Uniform Wildlife Regulatory Act." This Act shall apply only to Anderson, Andrews, Aransas, Archer, Armstrong, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie,

Brazoria, Brazos, Brewster, Briscoe, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Carson, Castro, Childress, Clay, Cochran, Coke, Coleman, Collingsworth, Colorado, Comal, Comanche, Cooke, Coryell, Cottle, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Denton, DeWitt, Dimmit, Donley, Duval, Eastland, Edwards, Ellis, El Paso, Erath, Falls, Fayette, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone, Frio, Gaines, Garza, Gillespie, Glasscock, Goliad, Gonzales, Gray, Grimes, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hardin, Harris, Harrison, Hartley, Haskell, Hays, Hemphill, Henderson, Hidalgo, Hill, Hockley, Hood, Houston, Howard, Hudspeth, Hunt, Hutchinson, Irion, Jack, Jackson, Jasper, Jeff Davis, Jefferson, Jim Wells, Johnson, Jones, Karnes, Kerr, Kimble, Kinney, Knox, Lamar, Lamb, Lampasas, Liberty, Limestone, Lipscomb, Live Oak, Llano, Lubbock, Lynn, Madison, Martin, Mason, Matagorda, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Motley, McCulloch, McLennan, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Polk, Potter, Presidio, Randall, Reagan, Real, Red River, Reeves, Roberts, Robertson, Rusk, San Patricio, San Saba, Schleicher, Shackelford, Sherman, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Uvalde, Val Verde, Victoria, Walker, Waller, Webb, Wharton, Wheeler, Wichita, Wilbarger, Willacy, Williamson, Wilson, Wise, Yoakum, Young and Zavala Counties; and to all of the water area of Lake Towakoni located within Rains, Van Zandt, and Kaufman Counties; and to all of the water area of the Joe B. Hogsett Reservoir known as the Cedar Creek Reservoir, located within Henderson and Kaufman Counties; and to the land and water area of the Somerville Reservoir located in Burleson, Lee and Washington Counties; and to that portion of Lake Texoma in Cooke and Grayson Counties; and to all of the water area of the Sam Rayburn Reservoir in Angelina, Nacogdoches, Sabine and San Augustine Counties.

Sec. 2. Subject to the limitations provided in Section 3, it shall be unlawful, except as providing in this Act, for any person to hunt, take, kill or possess, or attempt to take or kill any game bird or game animals in these counties of the State of Texas at any time; or to take, kill, trap or possess, or attempt to take, kill or trap any fur-bearing animal in the counties to which this Act applies, at any time; or to take or attempt to take any fish or other aquatic life or marine animals by any means or method in these counties of this State at any time. In order to better conserve an ample supply of the wildlife resources in the counties to which this Act applies to the end that the most reasonable and equitable privileges may be enjoyed by the people of said counties and their posterity in their ownership and in the taking of such resources, it is deemed for the public welfare that this Legislature should provide a law adaptable to changing conditions and emergencies which threaten depletion or waste of the wildlife resources in said counties. The Parks and Wildlife Commission is therefore granted the authority, power and duty to provide by proclamation, rule or regulation, from time to time, periods of time when it shall be lawful to take a portion of the wildlife resources in said counties or in any portion of any of said counties when its investigations and findings of fact disclose that there is an ample supply of such wildlife resources that a portion thereof may be taken which will not threaten depletion or waste of such supply. It shall also, by proclamation, rule or regulation, from time to time, provide the means and the method and the place and the manner in which such wildlife resources may be lawfully taken, provided, however, that it shall be unlawful for any person to hunt, take, kill or possess, or attempt to hunt, take or kill any game bird or game animal in any county or in any portion of any county at any time; or to take, kill, trap or possess, or attempt to take, kill, or trap any fur-bearing animal in any county or in any portion of any county at any time; or to take or attempt to take any fish by any means or method in any county or in any portion of any county at any time; unless the owner of the land or the water, or his duly

authorized agent shall give consent thereto.

Sec. 3. Definitions.

a. "Depletion" as used in this Act shall be construed to mean reduction of a species below immediate recuperative potentials by any deleterious cause or causes.

b. "Waste" as used in this Act shall be construed to mean supply of a species or sex thereof sufficient that a seasonal harvest thereof will aid in the re-establishment of normal numbers of such species.

c. For the purpose of this Act, the wildlife resources of the State of Texas are defined to be all the game birds and game animals, fur-bearing animals of all kinds, alligators, fish and other aquatic life and marine animals of all kinds; provided however that the following limitations apply in the counties herein mentioned:

(1.) In Aransas, Jefferson, Matagorda, and Orange Counties shrimp are not included in the term "wildlife resources."

(2.) In Austin and Waller Counties, only deer, quail, and turkeys are included in the term "wildlife resources."

(3.) In Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves, and Terrell Counties fish are not included in the term "wildlife resources."

(4.) In Burleson County fish are not included in the term "wildlife resources," except in the Somerville Reservoir.

(5.) In Duval County antlerless deer are not included in the term "wildlife resources."

(6.) In Calhoun, Harris and Victoria Counties salt water species of marine life are not included in the term "wildlife resources."

(7.) In Goliad and Live Oak Counties, only wild deer, wild turkey, wild quail and alligators, are included in the term "wildlife resources."

(8.) In Jasper, Newton and Tyler Counties, fox are not included in the term "wildlife resources."

(9.) In Bowie, Lamb, San Patricio and Victoria Counties, quail are not included in the term "wildlife resources."

(10.) In San Saba County, only deer are included in the term "wildlife resources."

(11.) In the Sam Rayburn Reser-

voir in Angelina, Nacogdoches, Sabine, and San Augustine Counties, only fresh water fish are included in the term "wildlife resources."

d. For the purposes of this Act the following limitations apply within the Counties named in this subsection.

(1.) In Aransas County this Act does not apply to the part of San Antonio Bay lying within the northeast part of Aransas County, nor to the Aransas River where it forms the boundary with Refugio County, nor to Copano Creek where it forms the boundary with Calhoun County.

(2.) In Cameron County this Act applies to the waters of the Laguna Madre and its abutting waters but does not apply to the waters of the Gulf of Mexico.

(3.) In Willacy County this Act does not apply to any of the coastal waters of the county, as the term "coastal waters" is defined in the Texas Shrimp Conservation Act.

Sec. 4. It shall be the duty of the Parks and Wildlife Department to conduct, from time to time, or continuously, scientific research investigations and studies of the supply, economic value, environment, breeding habits and, so far as possible, the sex ratio of the different species of wildlife resources as well as the factors affecting their increase or decrease, particularly with reference to hunting, trapping, fishing, disease, infestation, predation, agricultural pressure, over-population, and any and all other factors that enter into a reduction or an increase in the supply of such wildlife resources of this State. Pursuant to and based upon such studies, said Commission shall enter its findings of fact with respect thereto, and if, in the opinion of the Commission, an open season or period of time may be safely provided for any of the wildlife resources of said county, said Commission is authorized and directed from time to time to provide an open season or period of time when such wildlife resources may be taken. The proclamation, rule or regulation issued by the Commission shall be specific as to the quantity, species, sex, insofar as possible, age or size that may be taken. Such proclamation, rule or regulation shall provide the method and/or means that may be resorted to as well as the area, county or portion of the county where such wildlife resources may be

taken. In order to prevent depletion or waste of the wildlife resources of said State of Texas, the Parks and Wildlife Commission shall have authority from time to time by proclamation, rule or regulation to conserve the wildlife resources of said county by an open season or period of time when it shall be lawful to take a portion of such wildlife resources from said county or portion of said county of the State of Texas.

Sec. 5. When said Commission finds from its investigations herein provided for that danger of depletion, as defined in this Act, of any species of fish, game bird, game animal or fur-bearing animal exists in any portion of said counties, it shall be the duty of the said Commission to revoke or modify or otherwise amend its order or orders so as to deter or prevent contribution to depletion of such species by the taking thereof. When said Commission finds that danger of waste, as defined in this Act, of any of such species of fish, game bird, game animal or fur-bearing animal, or sex thereof, exists in all or any portion of said counties the Commission may issue or amend or revoke or modify such of its rules and regulations as will afford to all of the people of this State the most equitable and reasonable privileges in the pursuit, taking or killing of such species or sex thereof in said area. When the Commission finds that danger of depletion exists in any area by virtue of an emergency condition, the Commission may declare a state of emergency as to such species in said area, and its orders, rules and regulations issued under such state of emergency shall take effect and be in full force immediately upon issuance thereof.

Sec. 6. The Parks and Wildlife Commission's proclamation, rule or regulation permitting the hunting or taking of antlerless deer, antelope and elk shall not be effective as to any specific tract of land upon which antlerless deer, antelope or elk are to be taken until the owner or person in charge of that specific tract of land upon which antlerless deer, antelope or elk are to be taken shall have agreed in writing to the removal by hunting of such antlerless deer, antelope or elk from the tract under supervision and regulation of the Commission; and to the number

of antlerless deer, antelope or elk which may be removed therefrom. Antlerless and/or doe deer, antelope or elk hunting permits may be issued by the landowner, or by the person in charge of the land, to hunters to take antlerless deer, antelope or elk only upon the particular tract covered by the landowner's agreement. For the purposes of this section, the Parks and Wildlife Commission may, when conditions warrant, permit the taking of antlerless deer, antelope or elk without the requirement of an antlerless and/or doe deer, antelope or elk hunting permit, but in such cases the Commission's proclamation shall be specific as to the counties or portions of counties in which antlerless deer, antelope or elk may be taken without the special hunting permit. In areas not covered by the above provision, no person shall hunt or kill any antlerless deer, antelope or elk without first having procured an antlerless deer, antelope or elk permit issued by the Parks and Wildlife Department. Such permit shall be issued in such form and under such rules as may be prescribed by the Parks and Wildlife Commission, but no permit shall be issued later than ten (10) days before the opening date of the hunting season.

Sec. 7. There shall be a public hearing held in the county to be affected by any proposed rule, regulation or order dealing with hunting or fishing as provided for in this Act before such proposed rule, regulation or order is adopted by the Commission. Notice of this public hearing must be given in a newspaper published in such county at least ten (10) days prior to the date of the hearing. If no newspaper is published in the county, notice of such hearing must be given in a newspaper published in an adjoining county, which is widely circulated in the county in which the proposed rule, regulation or order is to be in effect. The hearing may be conducted by a designated employee of the Parks and Wildlife Department, or by any member of the Commission, provided it is not necessary for the Commission or some member of the Commission to be present at the said hearing.

Sec. 8. Orders, proclamations, rules and regulations proposed under the provisions of this Act shall be adopt-

ed by a quorum of the Commission at any regular or special Commission meeting or meetings, the date and time to be designated by the Commission and such meeting or meetings for such purpose shall only be held in the Commission's office in Austin, Texas. For the purpose of the provisions of this Act any person interested shall be entitled to be heard at such meetings, and to introduce evidence as to imminence of waste or depletion, as defined in this Act. Two (2) members, or the chairman and one (1) member of said Commission shall constitute a quorum. No order, rule or regulation, general or local, shall be adopted at any regular or special meeting of the Commission unless a quorum is present.

Sec. 9. Orders, rules and regulations adopted by the Commission shall become effective at a time fixed by the Commission but not earlier than fifteen (15) days after their adoption, except in the case of emergency as provided in this Act, and shall continue in full force and effect until they shall expire by their own terms, or are revoked, modified or amended by said Commission.

Sec. 10. Immediately after its adoption, a copy of each order, rule or regulation adopted by said Commission shall be numbered and filed in its office in Austin, Texas; and a copy thereof shall be filed in the office of the Secretary of State, and the office of the county clerk and the county attorney in the county affected by the order, rule or regulation and a mimeographed copy shall be furnished to each employee of the Parks and Wildlife Department.

Sec. 11. The particular regulatory powers herein granted to said Commission shall not be construed to limit other and general powers conferred upon it by law.

Sec. 12. The Parks and Wildlife Commission is hereby expressly given the power and authority to review its own orders and to modify, amend or revise the same as it shall find the facts to warrant. Any action that may be filed to test the validity of any proclamation, order, rule or regulation of the Commission, passed pursuant to and under the provisions of this Act, must be brought in Travis County. Such suit shall be

advanced by trial and determined as quickly as possible. In all such trials the burden of proof shall be upon the party complaining of such order, proclamation, rule or regulation to show it is invalid.

Sec. 13. Special Provisions.

a. The Commission's regulations relating to Lake Tawakoni shall be uniform for the entire lake.

b. In Bandera, Coke, Crockett, Edwards, Hays, Kerr, Kimble, Kinney, Lampasas, Medina, Menard, Reagan, Real, Schleicher, Sutton, and Val Verde Counties, orders, rules and regulations adopted in accordance with Section 8 of this Act shall not be effective as provided in Section 9 unless and until they have been approved by the Commissioner's Court of each of such Counties. The Commissioner's Court in each County named in this subsection shall approve or disapprove the Commission's rule, regulation or order or in Lampasas any order or part of order, at its next regular meeting occurring more than five (5) days after adoption by the Commission. If approved, the rule, regulation or order becomes effective at the time specified in the proclamation by the Commission. If disapproved, for any of the above named Counties, no public hearing on a similar proposal for the County may be held for a period of six (6) months unless a majority of said Commissioner's Court certifies to the Commission that there has been some material change in the surrounding circumstances which necessitates the holding of a public hearing within the six month period. If the Commissioner's Court disapproves the rules, regulations or orders promulgated by the Commission, then the taking of the wildlife resources of the county is regulated by the general law until such time as the Commissioner's Court approves rules, regulations, or orders subsequently promulgated by the Commission.

c. Notwithstanding the powers and duties herein vested in the Parks and Wildlife Commission, there is hereby established in Aransas County a net-free zone in which it shall be unlawful to set or drag any kind of net or seine except a minnow seine not exceeding twenty (20) feet in length for taking bait. Such net-free zone shall be all of Little Bay and the water area of Aransas Bay within

one-half ($\frac{1}{2}$) mile of the following line: From Hail Point on the Lamar Peninsula, then direct to the eastern end of Goose Island, then along the southern shore of Goose Island, then along the causeway between Lamar Peninsula and Live Oak Peninsula, then along the eastern shoreline of the Live Oak Peninsula past the town of Fulton, past Nine-Mile Point, past the town of Rockport to a point at the east end of Talley Island. Such net-free zone shall additionally include that part of Copano Bay within one thousand (1,000) feet of the causeway between Lamar Peninsula and Live Oak Peninsula. Any person using a net or seine (except a minnow seine not exceeding twenty (20) feet in length for taking bait only) in said net-free zone shall be punished as herein provided for a violation of this Act.

d. No person may place or set a trotline or crab trap in the net-free zone of Aransas County.

e. The Commission shall make reasonable rules to regulate the use of trotlines and crab traps in the waters outside the net-free zone in Aransas County, in order to provide for the safety of persons engaged in fishing, boating, and other water sports. The rules may provide for spacing and marking of trotlines and crab traps and for seizure of abandoned trotlines and crab traps. The rules shall be made and promulgated in the same manner as other rules are made and promulgated under this Act.

f. In Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Pecos, Presidio, Reeves, and Terrell Counties any open seasons or harvest limits proclaimed by the Commission for the wildlife resources listed below shall be subject to the following limitations:

(1.) Black bear. Any open season shall be within the period November 1st to December 31st, and no person shall be permitted to kill or possess more than one black bear during any one season.

(2.) Wild gray or cat and fox squirrels. Any open season shall be within the period of May 1st to December 31st; bag limit not to exceed ten (10) to be taken or killed by any person in one day nor to exceed twenty (20) in possession by any person at any time.

(3.) Wild turkeys. Any open season

shall be within the period November 1st to December 31st, and no person shall be permitted to kill or possess more than three (3) wild turkeys during any one open season.

(4.) Wild mourning doves. Any open season shall be within the period September 1st to January 15th. A bag limit may be provided of not to exceed fifteen (15) mourning doves to be killed in any one day, nor more than thirty (30) to be possessed by any person at one time.

(5.) Chachalaca. Any open season shall not be longer than ten (10) days within the period December 1st to December 31st, and no person shall be permitted to kill more than five (5) chachalaca in any one day or to possess more than one day's kill at any time.

(6.) Rails and gallinules. Any open season shall be within the period September 1st to October 31st, and no person shall be permitted to kill more than fifteen (15) rails or more than fifteen (15) gallinules or an aggregate of more than fifteen (15) or both rails and gallinules in any one day or to possess at any time more than two days' kill of such birds.

(7.) Wild plover. Any open season shall be within the period of September 1st to October 31st, and no person shall be permitted to kill more than twelve (12) plover in any one day or to have more than one day's kill in his possession at any time.

(8.) Prairie chicken. Any open season shall be not longer than ten (10) successive days within the period September 1st to October 31st. No person shall be permitted to kill more than ten (10) prairie chicken during any open season or to have in his possession at any time more than ten (10) prairie chickens.

(9.) Fur-bearing animals—beaver, otter, fox, opossum, racoon, mink, polecat or skunk, badger, muskrat, civet cat or ringtail. Any open season to permit trapping or the taking of pelts and sale of same of any of the fur-bearing animals named in this Section of this Act shall be within the period of December 1st and March 1st.

g. In Dimmit, Uvalde and Zavala Counties, the Commission shall endeavor to maintain a deer herd of productive excellence and breeding stock that will assure harvest of buck deer of the size and quality for which

this area is noted. And when its investigations and findings of fact disclose that there is danger of losing this type of deer from excessive population or serious depletion of breeding stock or other controllable factors, they shall, by proclamation, rule or regulation, prescribe the length of season and/or determine proper harvest of buck or doe deer and/or prescribe type and size of legal buck deer to be harvested to adjust for this depletion of quality and to maintain and recover this standard of excellence.

h. In Lampasas County the regulatory authority herein granted to the Commission shall extend to and include regulation of the nature and extent of the records to be kept and maintained by every bailee for hire accepting deer for processing and/or for storage; provided that no rule, regulation or order may be promulgated by the Commission in respect of any such processing or storage business, or the conduct thereof, or the records to be kept and maintained in reference to the processing and/or storage of deer by any such person, firm or corporation in Lampasas County, Texas, that is more onerous on any such business, or that may otherwise conflict with any of the provisions hereof that are hereby adopted for application to any and all such matters in Lampasas County, Texas, from and after the opening day of the 1967 deer season. Each such bailee for hire shall enter in his usual and customary books of account, or in a simple journal if no other records are maintained by said bailee, in the ordinary course of his business, the name and address of each bailor and the date of each bailment of such deer, as well as the name and address of the person removing such deer from storage, if same has not been processed by such bailee, and the date of such removal. Such record shall be retained for a period of at least four (4) calendar months after entry thereof. With respect to every deer delivered to such bailee for processing, said bailee shall also, at the time of processing, remove and retain for a period of four (4) calendar months following the bailment all hunting license tags, if any, that are attached to the carcass of the deer at the time same was delivered to such bailee. Authorized

representatives of the Commission may, during ordinary business hours and without undue interference with the business of the bailee inspect deer held for storage by any such bailee, as well as all hunting license tags held by such bailee. Upon the request of an authorized representative of the Commission, made within four (4) months after the date of any such bailment, and the delivery of a proper receipt therefor, any such bailee shall deliver to such authorized representative any of the hunting license tags held by the bailee as aforesaid that may be requested by such authorized representative of the Commission, and such bailee shall, without any liability to any person, firm or corporation furnish the name and address of any person delivering a deer to bailee for storage only, and the date thereof, as well as the name and address of the person removing same from storage and the date thereof if and when requested by an authorized representative of the Commission within four (4) months after the date of any such bailment for storage only, all without incurring any liability to any person, firm or corporation by reason of such storage and/or the disclosure of such information as authorized above. All such records and hunting license tags remaining in the hands of the bailee after expiration of four (4) calendar months following the date of the bailment may be destroyed by such bailee.

i. Except as provided in this section, in Panola County it is lawful during the open season to use dogs for the purpose of hunting and trailing buck deer as defined by general law. The Commission may prohibit or regulate hunting deer with dogs on any tract of 10,000 or more contiguous acres of land in Panola County which is owned by one or more persons and which is designated as a preserve for restocking deer under the federal and state laws and the rules, regulations, and proclamations of the Parks and Wildlife Commission and the United States Department of Interior.

j. In Foard County a seine or net of any kind or length may be used for taking minnows for bait purposes only.

k. In Hardeman County the quail open season shall be from December

1 through January 31, both dates inclusive.

Sec. 14. Any person who shall violate any provision of this Act, or any person who shall violate any proclamation, order, rule or regulation issued by the Parks and Wildlife Commission under the provisions of this Act, shall be deemed guilty of a misdemeanor and upon conviction therefor shall be fined a sum not less than Twenty-five Dollars (\$25) nor more than Two Hundred Dollars (\$200). Each game bird, game animal, fur-bearing animal, or fish taken or possessed in violation of this Act or of any proclamation, order, rule or regulation issued by said Parks and Wildlife Commission shall constitute a separate offense.

Sec. 14A. Any person who violates any proclamation, order, rule, or regulation of the Commission concerning hunting by the use of artificial lights in Hardin, Jasper, Newton, Orange or Tyler Counties is guilty of a misdemeanor, and upon conviction is punishable by a fine of not less than Fifty Dollars (\$50) nor more than Two Hundred Dollars (\$200), or by imprisonment in the county jail for not less than 3 days nor more than 90 days, or by both.

Sec. 15. It being the intent of the Legislature in this Act to "codify" all previous Acts of the Legislature of a similar nature into a single Act and thereby reduce the bulk of such legislation and to produce a greater degree of uniformity, the following Acts are hereby specifically repealed; Chapter 23, Acts of the 42nd Legislature, Second Called Session, 1931, codified as Article 4026a Vernon's Civil Statutes and Article 978i Vernon's Penal Code; Chapter 25, Special Laws, Acts of the 44th Legislature, Regular Session, 1935; Chapters 209 and 213, Acts of the 48th Legislature, Regular Session, 1943; Chapter 25, Acts of the 49th Legislature, Regular Session, 1945; Chapter 36, Acts of the First Called Session of the 51st Legislature, 1950; Chapter 125, Acts of the 52nd Legislature, Regular Session, 1951; Chapters 11, 96, and 499, Acts of the 54th Legislature, Regular Session, 1955; Chapters 50, 115 and 181, Acts of the 55th Legislature, Regular Session, 1957; Chapter 40, Acts of the 55th, Legislature, First Called Session, 1957; Chapter 19,

Acts of the 55th Legislature, Second Called Session, 1957; Chapters 12, 109, 121, 125, 246, 276, and 278, Acts of the 56th Legislature, Regular Session, 1959; Chapters 9 and 20, Acts of the 56th Legislature, Third Called Session, 1959; Chapters 40, 47, 59, 86, 99, 106, 176, 241, 245, 250, 340, 354, 360, 492, 510, 521 and 534, Acts of the 57th Legislature, Regular Session, 1961; Chapters 7, 44, 48, and 55, Acts of the 57th Legislature, First Called Session, 1961; Chapter 76, Acts of the 57th Legislature, Third Called Session, 1962; Chapters 18, 141, 252, 271, 287, 376, 408, and 421, Acts of the 58th Legislature, Regular Session, 1963, except that Sec. 15 of Chapter 252 protecting alligators in Refugio County is not repealed; and Chapters 156, 166, 169, 228, 244, 374, 393, 395, 411, 421, 422, 424, 499, 508, 566, 574, 590, and 636, Acts of the 59th Legislature, Regular Session, 1965, except that Section 4 of Chapter 228 regulating sale of fish from Lake Towakoni is not repealed; provided further that: (a) Sections 15A, (14a), 16 and 20 of Chapter 508 relating to shrimping and penalty in Matagorda County shall not be repealed but shall remain in full force and effect; and, (b) that Chapter 428, Acts of the 59th Legislature, Regular Session, 1965, shall not be affected or repealed; and, (c) in Borden County the provisions of Chapter 265, Acts of the 56th Legislature, Regular Session, 1959, shall not be repealed; (d) in Calhoun and Victoria Counties Chapter 321, Acts of the 54th Legislature, Regular Session, 1955; Chapter 197, Acts of the 55th Legislature, Regular Session, 1957; Chapter 447, Acts of the 57th Legislature, Regular Session, 1961; and Chapter 230, Acts of the 58th Legislature, Regular Session, 1963, and any other laws relating to netting for fish in Calhoun or Victoria Counties shall not be altered or affected; and (e) in Cameron County Chapter 80, Acts of the 54th Legislature, Regular Session, 1955 and Chapter 187, Acts of the 56th Legislature, Regular Session, 1959, commonly known as the Texas Shrimp Conservation Act insofar as it relates to any shrimping activities in outside waters of the Gulf of Mexico, shall not be repealed, altered or affected; and (f) in Colorado County the provisions of Article 888, Penal Code of Texas, 1925, shall not be affected; and (g) in Webb County Articles

901, 902, and 924a of the Penal Code of the State of Texas shall not be affected; and (h) in Bowie County the provisions of Chapter 336, Acts of the 58th Legislature, Regular Session, 1963, as amended, shall not be repealed; and (i) in Falls and Limestone Counties the provisions of Chapter 70, Acts of the 55th Legislature, Regular Session, 1957, shall not be repealed; and (j) in Hardin, Jasper, Newton, Orange, Polk and Tyler Counties the provisions of Chapter 510, Acts of the 58th Legislature, Regular Session, 1963, are not repealed; and (k) in Harrison and Rusk Counties the provisions of Chapter 493, Acts of the 52nd Legislature, Regular Session, 1951, as amended, are not repealed; and (l) in Hidalgo County the provisions of Chapter 327, Acts of the 54th Legislature, Regular Session, 1955, as amended, are not repealed; and (m) in Liberty County, the provisions of Chapter 574, Acts of the 59th Legislature, Regular Session, 1965, are not repealed; and (n) in Limestone County the provisions of Chapter 429, Acts of the 59th Legislature, Regular Session, 1965, are not repealed; and (o) in Jefferson and Orange Counties the provisions of Chapter 339, Acts of the 58th Legislature, Regular Session, 1963, are not repealed; and (p) in Rusk County the provisions of Chapter 415, Acts of the 59th Legislature, Regular Session, 1965, shall not be repealed. Sections 1 and 3 of House Bill 50, Sections 1, 2 and 4 of House Bill 289, all of House Bill 429, Sections 2 and 3 of House Bill 944, all of House Bills 1261, 1274 and 1335, which bills of the present session would affect counties concerned in this Act are hereby specifically saved from repeal. However it is the intent of the Legislature to incorporate within this Act applicable provisions of the following bills of the Sixtieth Legislature: House Bills 4, 50, 277, 289, 432, 500, 519, 522, 529, 560, 583, 590, 597, 645, 679, 725, 817, 912, 918, 944, 962, 964, 983, 1001, 1053, 1311, 1327, and Senate Bill 595. Any and all laws, general and special, and not specifically saved from repeal in this section, but in conflict with the provisions of this Act are repealed to the extent of such conflict only. In the event any County now regulated by this Act is hereafter removed by any Act of the Legislature, the general game laws of this State in effect at the

time of such removal shall apply to such County.

Sec. 16. It is hereby declared to be the legislative intent to enact each separate provision of this Act independent of all other provisions, and the fact that any Section, word, clause, sentence, or part of this Act may be declared unconstitutional shall in no event affect any other Section, word, clause, sentence, or part thereof. It is further declared to be the intention of the Legislature to have passed each sentence, Section, clause or part thereof may be declared invalid.

Sec. 17. This Act shall become effective on the 1st day of September, 1967.

Sec. 18. The Parks and Wildlife Commission may thereafter within a reasonable period promulgate its proclamations, rules, regulations, and orders for the purpose and under the provisions of this Act. Until such rules, regulations, orders and proclamations of the Parks and Wildlife Commission are adopted in accordance with the provisions of this Act, all general and special laws and existing proclamations relating to the taking of any of the wildlife resources within this State or county shall remain in full force and effect. All game laws, general and special, presently in force or enacted during the Sixtieth Legislature, pertaining to the State of Texas or any county or counties therein, shall be in full force and effect until the Parks and Wildlife Commission shall, in accordance with this Act issue a proclamation, rule or regulation dealing with the subject matter of the county affected by such presently existing game law.

Sec. 19. The fact that there is a great need for a reduction in the number of game and fish laws, and that this Act would reduce the content of seventy-two (72) separate Acts to a single Act together with the crowded condition of the calendar, create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The Conference Committee Report was read and was adopted.

House Concurrent Resolution 137 Ordered Not Printed

On motion of Senator Reagan and by unanimous consent H. C. R. No. 137 was ordered not printed.

House Concurrent Resolution 137 on Second Reading

The President laid before the Senate the following resolution:

H. C. R. No. 137, Granting Bonifacia Cavazos permission to sue the State of Texas.

The resolution was read.

By unanimous consent, the resolution was considered immediately and was adopted.

Senate Bill 16 With House Amendments

Senator Aikin called S. B. No. 16 from the President's Table for consideration of the House amendments to the bill.

The President laid the bill and the following House amendments before the Senate:

Amendment 1

Amend S. B. 16, Section 1, subsection (1) by striking out subsection a and inserting in lieu thereof the following:

"a. The minimum base pay for a classroom teacher who holds a Bachelor Degree and no higher shall be Five Hundred Twenty-Six (\$526) Dollars per month. Thirteen (\$13) Dollars per month shall be added for each year of teaching experience but not to exceed One Hundred Thirty (\$130) Dollars per month."

Amendment 2

Amend S. B. 16, Section 1, subsection (1) by striking out subsection c and inserting in lieu thereof the following:

"c. The minimum monthly base pay for a classroom teacher who holds a Master Degree shall be Five Hundred Sixty (\$560) Dollars per month. Thirteen (\$13) Dollars per month shall be added for each year of teaching experience but not to exceed Two Hundred Eight (\$208) Dollars per month."

Amendment 3

Amend S. B. 16, Section 2, subsection 2 by striking out the figures One Hundred Fifty-Six Million Eight Hundred Thousand (\$156,800,000) Dollars and inserting in lieu thereof the figures One Hundred Fifty-Four Million Eight Hundred Thousand (\$154,800,000) Dollars.

Amendment 4

Amend S. B. 16 by adding a new section to be numbered Section 3, with all succeeding sections renumbered accordingly. Section 3 shall read as follows:

"Section 3. In addition to the appropriation made from the Foundation School Fund by Article IV of Senate Bill No. 15, Acts of the 60th Legislature, Regular Session, 1967 and supplemental thereto, there is hereby appropriated for the fiscal year ending August 31, 1968, all moneys allocated to the Foundation Program Fund by Senate Bill No. 117, Chapter 335, Acts 51st Legislature, 1949 (Article 7083a, Section 2(4-a), V.T. C.S.), as amended, and any balances remaining in the Foundation School Fund at the end of each fiscal year, to pay the state's part of the Foundation School Program as provided for in Senate Bill No. 116, Chapter 334, Acts 51st Legislature, Regular Session, 1949, as amended.

"There is hereby specifically appropriated out of any moneys in the General Revenue Fund not otherwise appropriated the amount necessary for each month if on a monthly basis, or each year if on a yearly basis, of the fiscal year ending August 31, 1968, to pay the full amounts contemplated and provided by Senate Bill No. 117, Chapter 335, Acts 51st Legislature, Regular Session, as amended, should there be insufficient money in the Fund created by said Senate Bill No. 117 to carry out in full the purposes and provisions of said Senate Bill No. 117 and Senate Bill No. 116, supra, as amended. The above appropriation shall be expended under the terms and provisions of said Senate Bill No. 116 and Senate Bill No. 117, as amended, and by the same officers named therein respectively."

The House amendments were read.

Senator Aikin moved that the Senate concur in the House amendments.

Question on the motion to concur, "Yeas" and "Nays" were demanded.

The motion prevailed by the following vote:

Yeas—31

| | |
|------------|-----------|
| Aikin | Hightower |
| Bates | Jordan |
| Bernal | Kennard |
| Berry | Mauzy |
| Blanchard | Moore |
| Brooks | Parkhouse |
| Christie | Patman |
| Cole | Ratliff |
| Connally | Reagan |
| Creighton | Schwartz |
| Grover | Strong |
| Hall | Wade |
| Hardeman | Watson |
| Harrington | Wilson |
| Hazlewood | Word |
| Herring | |

House Bill 847 Re-referred

On motion of Senator Hall, and by unanimous consent H. B. No. 847 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on Counties, Cities and Towns.

Report of Standing Committee

Senator Hall by unanimous consent submitted the following report:

Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 847, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman
CHRISTIE
WORD

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 161, A bill to be entitled "An Act relating to filing fees for candidates for the office of State Representative; adding Article 194A to the Texas Election Code; and declaring an emergency."

H. B. No. 719, A bill to be entitled "An Act relating to the teaching of the Spanish language in elementary schools; amending Sections 1 and 2, Chapter 98, Acts of the 47th Legislature, Regular Session, 1941, as amended by Chapter 294, Acts of the 49th Legislature, 1945 (Article 2911a, Vernon's Texas Civil Statutes); and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bill 847 Ordered Not Printed

On motion of Senator Hall and by unanimous consent H. B. No. 847 was ordered not printed.

House Concurrent Resolution 160 on Second Reading

The President laid before the Senate the following resolution:

H. C. R. No. 160, Granting Frank H. Buhler permission to sue the State.

The resolution was read.

By unanimous consent, the resolution was considered immediately and was adopted.

House Concurrent Resolution 129 Ordered Not Printed

On motion of Senator Harrington and by unanimous consent H. C. R. No. 129 was ordered not printed.

Bills Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills:

S. B. No. 83, A bill to be entitled "An Act amending Section 4, Chapter 469, Page 824, Acts 1951, 52nd Legislature, to increase the annual renewal fee for a pharmacist's license not to exceed Twenty-Five Dollars (\$25.00); and declaring an emergency."

S. B. No. 132, A bill to be entitled

"An Act amending certain provisions of the Texas Business Corporation Act, etc., and declaring an emergency."

S. B. No. 618, A bill to be entitled "An Act to increase the aggregate principal amount of bonds which the Lower Colorado River Authority may issue; amending Chapter 7, Acts of the 43rd Legislature, 4th Called Session, 1934, as amended (Article 8280-107, Vernon's Texas Civil Statutes), adding a Section 10a; and declaring an emergency."

S. B. No. 622, A bill to be entitled "An Act creating the Court of Domestic Relations No. 3 of Tarrant County and providing for its jurisdiction, terms, personnel, administration, and procedures; and declaring an emergency."

S. B. No. 301, A bill to be entitled "An Act amending Article 4495 of the Revised Civil Statutes of Texas, 1925, as amended, so as to provide for the composition of the Texas Board of Medical Examiners, their qualification, terms of office, their appointment; and amending Article 4506, of the Revised Civil Statutes of Texas, 1925, as amended, so as to grant authority to the Texas State Board of Medical Examiners to probate its orders to revoke, cancel, or suspend the license of a practitioner; providing the procedure whereby such probation may be effectuated; repealing laws in conflict; and declaring an emergency."

S. B. No. 446, A bill to be entitled "An Act amending Section 15, Chapter 425, Acts of the 55th Legislature, Regular Session, 1957, as amended (Section 15, Article 8280-9, Vernon's Texas Civil Statutes), to authorize the Texas Water Development Board to purchase or retire outstanding prior lien water bonds of a political subdivision; to prescribe the interest rate which all bonds purchased by the Board shall bear; and declaring an emergency."

S. B. No. 296, A bill to be entitled "An Act amending Chapter 279, Acts of the 56th Legislature, Regular Session, 1959, as amended, codified as Article 8280-228, Vernon's Texas Civil Statutes, so as to authorize Red River Authority, to effectuate navigation and related works; to effectuate flood

control works, including channel alignment and bank stabilization; to effectuate public parks and recreation related thereto; to effectuate facilities necessary for the collection, treatment and disposal of sewage and other undesirable waste; providing contractual powers, and authority to issue revenue bonds; providing a severability clause; and declaring an emergency."

Senate Resolution 739 on Second Reading

The President laid before the Senate the following resolution:

S. R. No. 739, Creating an Interim Committee to Study Poverty in Texas.

The resolution was read.

Senator Bernal offered the following Committee Amendment to the resolution:

Amend S. R. 739 by inserting at the end of the eleventh paragraph after the word "Senate," and before the word "and" the following:

"The Committee shall prepare a budget for the operating expense of said committee which shall be submitted to the Contingent Expense Committee of the Senate. The prior approval of such budget by such Contingent Expense Committee shall be obtained before any payments may be made from such Contingent Funds. Prior approval by the Contingent Expense Committee must be obtained before any non-budgeted expenses may be paid."

The Committee Amendment was read and was adopted.

The resolution, as amended, was then adopted.

Record of Votes

Senators Grover, Hardeman, Creighton, Word, Reagan, Parkhouse and Connally asked to be recorded as voting "Nay" on the adoption of the above resolution.

House Bill 986 on Second Reading

Senator Bernal asked unanimous consent to suspend the regular order of business and take up H. B. No. 986 for consideration at this time.

There was objection.

Senator Bernal then moved to suspend the regular order of business and take up H. B. No. 986 for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

| | |
|------------|-----------|
| Bates | Hightower |
| Bernal | Jordan |
| Berry | Kennard |
| Blanchard | Mauzy |
| Brooks | Moore |
| Christie | Parkhouse |
| Cole | Patman |
| Connally | Reagan |
| Creighton | Schwartz |
| Grover | Strong |
| Hall | Wade |
| Harrington | Watson |
| Hazlewood | Wilson |
| Herring | |

Nays—4

| | |
|----------|---------|
| Aikin | Ratliff |
| Hardeman | Word |

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 986, A bill to be entitled "An Act validating ad valorem tax bonds heretofore issued, sold, and delivered by any city for public recreation tower structure purposes; validating all elections, proceedings, ordinances, and other acts pertaining to all such bonds; providing this Act shall not validate any proceeding which may have been nullified by a final judgment of a court of competent jurisdiction; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 986 on Third Reading

Senator Bernal moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 986 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

| | |
|--------|-----------|
| Bates | Blanchard |
| Bernal | Brooks |
| Berry | Christie |

| | |
|------------|-----------|
| Cole | Mauzy |
| Connally | Moore |
| Creighton | Parkhouse |
| Grover | Patman |
| Hall | Reagan |
| Harrington | Schwartz |
| Hazlewood | Strong |
| Herring | Wade |
| Hightower | Watson |
| Jordan | Wilson |
| Kennard | |

Nays—4

| | |
|----------|---------|
| Aikin | Ratliff |
| Hardeman | Word |

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Aikin, Hardeman and Word asked to be recorded as voting "Nay" on the final passage of the bill.

Motion to Place House Joint Resolution 56 on Second Reading

Senator Bernal asked unanimous consent to suspend the regular order of business and take up H. J. R. No. 56 for consideration at this time.

There was objection.

Senator Bernal then moved to suspend the regular order of business and take up H. J. R. No. 56 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

Yeas—20

| | |
|------------|-----------|
| Aikin | Hazlewood |
| Bates | Herring |
| Bernal | Jordan |
| Berry | Kennard |
| Blanchard | Mauzy |
| Brooks | Moore |
| Christie | Patman |
| Cole | Reagan |
| Connally | Schwartz |
| Harrington | Wilson |

Nays—11

| | |
|-----------|----------|
| Creighton | Hall |
| Grover | Hardeman |

| | |
|-----------|--------|
| Hightower | Wade |
| Parkhouse | Watson |
| Ratliff | Word |
| Strong | |

House Bill and Resolution on First Reading

The following bill and resolution received from the House, were read the first time and referred to the Committees indicated:

H. C. R. No. 154, to the Committee on Jurisprudence.

H. B. No. 1020, to the Committee on Education.

House Bill 1322 on Second Reading

Senator Hightower moved that Senate Rules 13, 32 and 38 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 1322 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

| | |
|------------|-----------|
| Aikin | Hightower |
| Bates | Jordan |
| Bernal | Kennard |
| Berry | Mauzy |
| Blanchard | Moore |
| Brooks | Parkhouse |
| Christie | Patman |
| Cole | Ratliff |
| Connally | Reagan |
| Creighton | Schwartz |
| Grover | Strong |
| Hall | Wade |
| Hardeman | Watson |
| Harrington | Wilson |
| Hazlewood | Word |
| Herring | |

The President then laid before the Senate on its second reading and passage to third reading the following bill:

H. B. No. 1322, A bill to be entitled "An Act amending Sections 5, 6 and 7, Chapter 49, Acts 54th Legislature, 1955 (Article 2338-7, Vernon's Texas Civil Statutes), providing for the appointment and qualifications of the Judge of the Court of Domestic Relations for Hutchinson County, term of office, compensation, Special Judge,

disqualification, oath of office, and alternating and exchanging benches with other District Judges; authorizing and requiring the appointment of an Official Shorthand Reporter, duties, compensation, qualifications, expenses; providing a District Clerk for the Court, compensation, dockets, transfer of cases; providing a severability clause; and declaring an emergency."

The bill was read the second time and was passed to third reading.

House Bill 1322 on Third Reading

The Constitutional Rule requiring bills to be read on three several days having been suspended, the President laid H. B. No. 1322 before the Senate on its third reading and final passage.

The bill was read the third time and was passed by the following vote:

Yeas—31

| | |
|------------|-----------|
| Aikin | Hightower |
| Bates | Jordan |
| Bernal | Kennard |
| Berry | Mauzy |
| Blanchard | Moore |
| Brooks | Parkhouse |
| Christie | Patman |
| Cole | Ratliff |
| Connally | Reagan |
| Creighton | Schwartz |
| Grover | Strong |
| Hall | Wade |
| Hardeman | Watson |
| Harrington | Wilson |
| Hazlewood | Word |
| Herring | |

Motion to Re-refer House Bill 981

Senator Reagan asked unanimous consent that H. B. No. 981 be withdrawn from the Committee on Jurisprudence and be re-referred to the Committee on Counties, Cities and Towns.

There was objection.

House Bill 1360 on Second Reading

On motion of Senator Hightower and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 1360, A bill to be entitled "An Act relating to an additional

tax for common school districts in certain counties; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 1360 on Third Reading

Senator Hightower moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 1360 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

| | |
|------------|-----------|
| Aikin | Hightower |
| Bates | Jordan |
| Bernal | Kennard |
| Berry | Mauzy |
| Blanchard | Moore |
| Brooks | Parkhouse |
| Christie | Patman |
| Cole | Ratliff |
| Connally | Reagan |
| Creighton | Schwartz |
| Grover | Strong |
| Hall | Wade |
| Hardeman | Watson |
| Harrington | Wilson |
| Hazlewood | Word |
| Herring | |

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—31

| | |
|------------|-----------|
| Aikin | Hightower |
| Bates | Jordan |
| Bernal | Kennard |
| Berry | Mauzy |
| Blanchard | Moore |
| Brooks | Parkhouse |
| Christie | Patman |
| Cole | Ratliff |
| Connally | Reagan |
| Creighton | Schwartz |
| Grover | Strong |
| Hall | Wade |
| Hardeman | Watson |
| Harrington | Wilson |
| Hazlewood | Word |
| Herring | |

Report of Standing Committee

Senator Herring by unanimous

consent submitted the following report:

Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. C. R. No. 154, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Report of Committee to Select Poet Laureate

Senator Watson submitted the following report under the provisions of H. C. R. No. 22:

Austin, Texas,
May 22, 1967.

Hon. Preston Smith, President of the Senate.

Hon. Ben Barnes, Speaker of the House of Representatives.

Sirs: We, your committee appointed pursuant to H. C. R. No. 22 to select a Poet Laureate for the State of Texas, have selected Mr. William E. Bard to be Poet Laureate of the State of Texas for the year 1967, and Mrs. Kathleen Henry Harris to be Poet Laureate of the State of Texas for the year 1968. The Committee selected Mrs. Sybil Leonard Armes as alternate Poet Laureate for the year 1967, and Mrs. Emmett Rowe as alternate Poet Laureate for the year 1968.

Respectfully submitted,
CHRISTIE
WATSON

On the part of the Senate.

SLIDER
WRIGHT

On the part of the House.

O'KEEFE for
John Connally,
Governor.

The report was read and was adopted.

House Bill 873 on Second Reading

On motion of Senator Brooks and by unanimous consent, the regular order of business was suspended to take up for consideration at this time

on its second reading and passage to third reading:

H. B. No. 873, A bill to be entitled "An Act creating the Texas Mass Transportation Commission and prescribing its organization, duties, powers, and procedures; and declaring an emergency."

The bill was read second time and was passed to third reading.

Record of Votes

Senators Parkhouse and Hardeman asked to be recorded as voting "Nay" on the passage of the bill to third reading.

House Bill 873 on Third Reading

Senator Brooks moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 873 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

| | |
|------------|-----------|
| Aikin | Hightower |
| Bates | Jordan |
| Bernal | Kennard |
| Berry | Mauzy |
| Brooks | Moore |
| Christie | Patman |
| Cole | Ratliff |
| Connally | Reagan |
| Creighton | Schwartz |
| Grover | Strong |
| Hall | Wade |
| Harrington | Watson |
| Hazlewood | Wilson |
| Herring | Word |

Nays—3

| | |
|-----------|-----------|
| Blanchard | Parkhouse |
| Hardeman | |

Question—Shall H. B. No. 873 be finally passed?

Report of Standing Committee

Senator Cole by unanimous consent submitted the following report:

Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Edu-

cation, to which was referred H. B. No. 1020, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLE, Chairman
REAGAN
BLANCHARD

**Conference Committee Report on
House Bill 1164**

Senator Berry submitted the following Conference Committee Report on H. B. No. 1164:

Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Hon. Ben Barnes, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 1164, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

BERRY
BATES
HARDEMAN
BROOKS
WADE

On the part of the Senate.

OGG
NEUGENT
SHERMAN
McKISSACK
MUTSCHER

On the part of the House.

H. B. No. 1164,

**A BILL
To Be Entitled**

An Act amending Chapter 467, House Bill No. 77, Acts of the 44th Legislature, 2nd Called Session, 1935, as such has been heretofore amended, being the Texas Liquor Control Act, and being the Act carried in Vernon's Texas Penal Code as Articles 666 and 667, by amending Section 4(c)(1), Article I, Texas Liquor Control Act, as amended by Section 1, Chapter 221, Acts of the 48th Legislature, 1943 (Article 666-4, Vernon's Texas Penal Code), so as to reduce the hours when it shall be unlawful to consume al-

coholic beverages or possess for the purpose of consuming alcoholic beverages in counties of certain populations, and giving the governing bodies of certain incorporated cities or towns and the commissioners courts of certain counties the right to adopt the hours prescribed for the more populous counties of this state, and making the violation of such order or ordinance a violation of this Act; and by amending Section 10, Article II, of the Texas Liquor Control Act, as last amended by Section 3, Chapter 221, Acts of the 48th Legislature, 1943 (Article 667-10, Vernon's Texas Penal Code), so as to extend the legal hours of sale of beer according to the populations of such counties, and giving to the governing bodies of incorporated cities and towns and the commissioners courts in the less populous counties the right to adopt legal hours of sale prescribed herein for the more populous counties; providing a severability clause; providing for repeal of laws in conflict herewith; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 4(c)(1), Article I, Texas Liquor Control Act, Chapter 467, House Bill No. 77, Acts of the 44th Legislature, 2nd Called Session, 1935, as amended by Section 1, Chapter 221, Acts of the 48th Legislature, 1943 (Article 666-4, Vernon's Texas Penal Code), is amended to read as follows:

"(1) It shall be unlawful for any person in a county of less than 300,000 population, according to the last preceding federal census, to consume any alcoholic beverage in any public place or for any person to possess any alcoholic beverage in any public place for the purpose of consuming the same in such public place at any time on Sunday between the hours of 1:15 a.m. and 12 noon, and on all other days at any time between the hours of 12:15 a.m. and 7 a.m.; except that the commissioners court of any county under 300,000 population, according to the last preceding federal census, may by order adopt for the unincorporated areas of that county the hours prescribed hereafter for counties of more than 300,000 population, according to the last preceding federal cen-

sus, and the governing body of any incorporated city or town in any such county under 300,000 population, according to the last preceding federal census, may by ordinance adopt the hours prescribed hereafter for counties of more than 300,000 population, according to the last preceding federal census; violation of a commissioners court order or a city ordinance made under this subsection is punishable as a violation of this Act. It shall be unlawful for any person in a county of 300,000 or more population, according to the last preceding federal census, to consume any alcoholic beverage in any public place or for any person to possess any alcoholic beverage in any public place for the purpose of consuming the same in such public place at any time on Sunday between the hours of 2:15 a.m. and 12 noon, and on all other days at any time between the hours of 2:15 a.m. and 7 a.m."

Sec. 2. Section 10, Article II, Texas Liquor Control Act, as last amended by Section 3, Chapter 221, Acts of the 48th Legislature, 1943 (Article 667-10, Vernon's Texas Penal Code), is amended to read as follows:

"Section 10. (a) In any county of 300,000 or more population, according to the last preceding federal census, it shall be unlawful for any person to sell beer or offer same for sale:

"(1) On Sunday at any time between the hours of 2 a.m. and 12 noon.

"(2) On any day except Sunday at any time between the hours of 2 a.m. and 7 a.m.

"(b) In any county in this State not having a population of 300,000 or more, according to the last preceding federal census, it shall be unlawful for any person to sell beer or offer same for sale;

"(1) On Sunday at any time between the hours of 1:00 a.m. and 12 noon.

"(2) On any day except Sunday at any time between the hours of 12 midnight and 7 a.m.

"(3) Regardless of the provisions of paragraphs (1) and (2) of this section, the commissioners court of any county under 300,000 population, according to the last preceding federal census, may by order adopt for the unincorporated areas of that county the hours prescribed above for counties having a population of 300,000 or more, according to the last preceding

federal census, during which the sale or offering of beer for sale are made unlawful; and the governing body of any incorporated city or town in any county under 300,000 population, according to the last preceding federal census, may by ordinance adopt the hours prescribed above for counties having a population of 300,000 or more, according to the last preceding federal census, during which the sale or offering of beer for sale are made unlawful; violation of a commissioners court order or a city ordinance made under this subsection is punishable as a violation of this Act."

Sec. 3. If any section, subsection, paragraph, sentence, clause or provision of this Act is for any reason held invalid, such invalidity shall not affect any other portion of this Act; but this Act shall be construed and enforced as if such invalid provision had not been contained therein.

Sec. 4. All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

Sec. 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each house be suspended, and this Rule is hereby suspended, and this Act shall take effect and be in force from and after September 1, 1967, and it is so enacted.

The Conference Committee Report was read and was adopted.

Record of Votes

Senators Word, Herring, Creighton, Watson, Patman, Aikin, Blanchard, Hall, Hazlewood, Hightower and Ratliff asked to be recorded as voting "Nay" on the adoption of the above Conference Committee Report on the bill.

House Bill on First Reading

The following bill received from the House, was read the first time and referred to the Committee indicated:

H. B. No. 161, to Committee on Counties, Cities and Towns.

Report of Standing Committee

Senator Hall by unanimous consent submitted the following report:

Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 161, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman
WORD
CHRISTIE

House Concurrent Resolution 129 on Second Reading

The President laid before the Senate the following resolution:

H. C. R. No. 129, Creating a Special Interim Committee to Study the Problems of Uninsured Motorists.

The resolution was read.

Senator Harrington offered the following Committee Amendment to the resolution:

Amend H. C. R. 129 by striking the first Resolving Clause and substituting the following in lieu thereof:

Resolved by the House of Representatives of the 60th Legislature of the State of Texas, the Senate concurring, That a special interim committee of six members be, and it is hereby created, consisting of three members to be appointed by the Speaker of the House, and three by the Lieutenant Governor, to study the problems of uninsured motorists coverage within the State of Texas with the view to possible improvements and recommendations; and, be it further

The Committee Amendment was read and was adopted.

The resolution as amended was then adopted.

House Concurrent Resolution 154 Ordered Not Printed

On motion of Senator Herring and by unanimous consent H. C. R. No. 154 was ordered not printed.

House Bill 161 Ordered Not Printed

On motion of Senator Watson and by unanimous consent H. B. No. 161 was ordered not printed.

House Joint Resolution 56 on Second Reading

Senator Bernal asked unanimous consent to suspend the regular order of business and take up H. J. R. No. 56 for consideration at this time.

There was objection.

Senator Bernal then moved to suspend the regular order of business and take up H. J. R. No. 56 for consideration at this time.

The motion prevailed by the following vote:

Yeas—22

| | |
|------------|-----------|
| Aikin | Herring |
| Bates | Hightower |
| Bernal | Jordan |
| Berry | Kennard |
| Blanchard | Mauzy |
| Brooks | Moore |
| Christie | Patman |
| Cole | Reagan |
| Connally | Schwartz |
| Hall | Watson |
| Harrington | Wilson |

Nays—8

| | |
|-----------|---------|
| Creighton | Ratliff |
| Grover | Strong |
| Hardeman | Wade |
| Hazlewood | Word |

Present—Not Voting

Parkhouse

The President laid before the Senate on its second reading and passage to third reading:

H. J. R. No. 56, Proposing a constitutional amendment authorizing establishment of a civil service system for county employees in Bexar County.

The resolution was read second time.

Senator Kennard offered the following amendment to the resolution:

Amend H. J. R. 56 by adding the words "and Tarrant County" after the words "Bexar County" on line 19 and on line 26 and line 30 of the printed bill.

The amendment was read.

Question—Shall the amendment by

Senator Kennard to H. J. R. No. 56 be adopted?

Message From the House

Hall of the House of Representatives
Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 159, Requesting permission to sue the State of Texas.

S. B. No. 174, A bill to be entitled "An Act to amend Chapter Three of the Insurance Code (Acts 1951, 52nd Legislature, Chapter 491, as amended) by adding thereto a new Article to be designated Art. 340-1; providing that notwithstanding the provisions of Art. 340 of such code any domestic life insurance company may invest any of its funds in income producing real estate and may hold, improve, develop, maintain, manage, lease, sell or convey such property subject to specified terms, limitations, and restrictions; defining the term 'income producing real estate'; limiting the amount of admitted assets which may be so invested; providing that the investment authority granted by this Act is in addition to and separate and apart from the investment authority granted by Art. 340 except for the limitations of Subdivision 1(b) thereof; providing that the investments so made shall be 'Texas Securities'; and declaring an emergency."

(With Amendments.)

S. B. No. 598, A bill to be entitled "An Act providing for an expression of public opinion on the question of legalized pari-mutuel wagering on horse races in Texas; and declaring an emergency."

S. B. No. 429, A bill to be entitled "An Act creating the 170th Judicial District; providing for its court and for the jurisdiction, terms, personnel, administration, and practice of the court; amending Subdivisions 49 and 79, Article 199, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

(With Amendments.)

S. B. No. 567, A bill to be entitled "An Act creating the 141st Judicial District and the 141st District Court of Bexar County; providing for the court's jurisdiction, terms, personnel, administration, and practice; amending Subsections (B), (E), (G), (H), (K), (M), (N), (O), and (Q), Section 4, Chapter 507, Acts of the 58th Legislature, 1963; and declaring an emergency."

(With Amendment.)

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk, House of Representatives

House Bill 981 Re-referred

On motion of Senator Reagan and by unanimous consent, H. B. No. 981 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on Counties, Cities and Towns.

Report of Standing Committee

Senator Hall by unanimous consent submitted the following report:

Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 981, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HALL, Chairman
WORD
CHRISTIE

House Bill 113 on Second Reading

On motion of Senator Moore and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 113, A bill to be entitled "An Act creating the office of district attorney in the 85th Judicial District composed of Brazos County; prescribing the duties of district attorney; providing for his compensation; providing for an election of district attorney for the 85th Judicial District at the next general election after the effective date of this Act and at every

second general election thereafter; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 113 on Third Reading

Senator Moore moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 113 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

| | |
|------------|-----------|
| Aikin | Hightower |
| Bates | Jordan |
| Bernal | Kennard |
| Berry | Mauzy |
| Blanchard | Moore |
| Brooks | Parkhouse |
| Christie | Patman |
| Cole | Ratliff |
| Connally | Reagan |
| Creighton | Schwartz |
| Grover | Strong |
| Hall | Wade |
| Hardeman | Watson |
| Harrington | Wilson |
| Hazlewood | Word |
| Herring | |

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Motion to Place

House Bill 794 on Second Reading

Senator Moore asked unanimous consent to suspend the regular order of business and take up H. B. No. 794 for consideration at this time.

There was objection.

House Bill 1020 Ordered Not Printed

On motion of Senator Strong and by unanimous consent H. B. No. 1020 was ordered not printed.

Motion to Place House Concurrent Resolution 154 on Second Reading

Senator Herring asked unanimous consent to suspend the regular order of business and take up H. C. R. No. 154 for consideration at this time.

There was objection.

Welcome Resolutions

S. R. No. 752—By Senator Watson: Extending welcome and privileges of the floor for the day to Paxton Littlepage, Jr.

S. R. No. 753—By Senator Watson: Extending welcome to M. T. Rice.

Adjournment

On motion of Senator Creighton the Senate at 5:35 o'clock p.m. adjourned until 10:00 o'clock a.m. Monday, May 29, 1967.

APPENDIX

Reports of Standing Committee

Senator Hardeman submitted the following reports:

Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. 437, An Act relating to changing definitions of milk and milk products in conformity with definitions and specifications for grade of milk of the United States Public Health Service Milk Ordinance; authorizing the State Health Officer to define and fix specifications for Grade "A" raw milk and milk products and Grade "A" pasteurized milk and pasteurized milk products; providing standards for sampling, testing, and inspecting certain milk products produced within this state or shipped into the state; strengthening the law with respect to shipping certain milk products into this state and providing certain exemptions; setting standards for issuance of a permit, certificate, or other authorization to ship certain milk into this state; providing for enforcement; providing an inspection fee; providing certain penalties; amending Sections 1, 2, 3, 4, and 7, and adding a Section 7A, Chapter 172, Acts of the 45th Legislature, Regular Session, 1937 (Article 165-3, Vernon's Texas Civil Statutes); amending Sections

2, 3, 4 and 5, Chapter 394, Acts of the 57th Legislature, Regular Session, 1961 (Article 165-3a, Vernon's Texas Civil Statutes); providing for severability; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 597, An Act to authorize the Parks and Wildlife Department to rehabilitate the Copano Bay Causeway as a public fishing pier and recreation area; providing for financing; containing a repealer; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 561, An Act relating to the terms of office of the mayor and aldermen of certain towns and villages; amending Article 1143, Revised Civil Statutes of Texas, 1925; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 509, An Act providing procedures for the abolition of cities and towns, and towns and villages, incorporated under the general laws, and cities and towns of ten thousand inhabitants or less chartered under special law; providing for the calling of

elections on the question of such abolition on petition to the mayor; providing for the qualification of voters in such elections and the conduct and canvass of such elections; repealing certain statutes; and containing a severability clause; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 376, An Act amending Section 1 of Chapter 143, page 419, Acts of the 58th Legislature, which is codified as Article 326k-48, Vernon's Texas Civil Statutes, to supplement the salary of the District Attorney of the 81st Judicial District; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 318, An Act to amend and re-enact Chapter 274, page 406, Section 1, Acts of the 48th Legislature, so that an additional period is provided in which practicing architects who were practicing on May 22, 1937, may register and receive a certificate without examination; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 529, An Act validating

the proceedings and ordinances by incorporated cities annexing or attempting to annex areas that include the entire territory of a water control and improvement district where a public hearing has been held; validating the boundaries of such city after such annexation or attempted annexation; providing certain limitations as to the application of the Act; providing a savings clause; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,

May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 445, As Act amending Chapter 425, Acts of the 55th Legislature, Regular Session, 1957, as amended (Section 24, Article 8280-9, Vernon's Texas Civil Statutes) relating to the sponsorship of water resource development projects in this state; and declaring an emergency.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,

May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. J. R. No. 24, A Joint Resolution proposing an amendment to Article 8 of the Constitution of the State of Texas by adding a Section 2-a to authorize the Legislature to provide a system for exempting certain property from ad valorem taxation.

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,

May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on En-

grossed and Enrolled Bills, to which was referred:

S. B. No. 83, "An Act amending Section 4, Chapter 469, page 824, Acts 1951, 52nd Legislature, to increase the annual renewal fee for a pharmacist's license not to exceed Fifteen Dollars (\$15.00); and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,

May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 132, "An Act to amend certain provisions of the Texas Business Corporation Act, Chapter 64, Acts of the 54th Legislature, 1955, as amended, by amending Subsection (13) of Section A of Article 1.02 (relating to the definition of "earned surplus"); amending Section C of Article 2.02 (relating to corporate powers); amending Section C of Article 2.07 (relating to registration of names); adding a new Article 2.10-1 (relating to change of address of the registered agent); adding a new Section D to Article 2.17 (relating to determining amount of stated capital); amending Section E of Article 2.22 (relating to transfer of shares); amending Section A of Article 2.29 (relating to voting rights of shares); adding a new Section C to Article 4.02 (relating to amendment of the articles of incorporation by the incorporators); adding a new Section B to Article 4.04 (relating to articles of amendment); amending Section B of Article 5.03 (relating to merger or consolidation of domestic corporations); amending Subsection (1) of Section B of Article 5.07 (relating to merger or consolidation of domestic and foreign corporations); amending Subsection (3) of Section A of Article 5.10 (relating to disposition of corporate assets); amending Article 5.12 (relating to procedure for dissent by shareholders as to certain corporate actions); amending Article 5.13 (relating to dissent by shareholders to certain corporate actions); amending Part Six (relating to voluntary corporate dissolution);

amending Section A of Article 7.06 (relating to involuntary corporate dissolution); amending Section A of Article 7.06 (relating to involuntary corporate dissolution); adding a new Section D to Article 8.09 (relating to the registered office and registered agent of a foreign corporation); amending Article 9.10 (relating to corporate actions without a meeting); amending Article 10.01 (relating to fee schedule); repealing Subsection (7) of Section A of Article 5.06 (relating to the effect of merger or consolidation on earned surplus); repealing Article 8.04 (relating to name reservation by foreign corporation); containing savings and partial invalidity clauses and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 618, "An Act to increase the aggregate principal amount of bonds which the Lower Colorado River Authority may issue; amending Chapter 7, Acts of the 43rd Legislature, 4th Called Session, 1934, as amended (Article 8280-107, Vernon's Texas Civil Statutes), by adding a Section 10a; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 296, "An Act amending Chapter 279, Acts of the 56th Legislature, Regular Session, 1959, as amended, codified as Article 8280-228, Vernon's Texas Civil Statutes, so as to authorize the Red River Authority subject to certain limitations, to effectuate navigation and related

works; to effectuate flood control works, including channel alignment and bank stabilization; to effectuate public parks and recreation related thereto; to effectuate facilities necessary for the collection, treatment and disposal of sewage and other undesirable waste; providing contractual powers, and authority to issue revenue bonds; providing a severability clause; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 446, "An Act amending Section 15, Chapter 425, Acts of the 55th Legislature, Regular Session, 1957, as amended (Section 15, Article 8280-9, Vernon's Texas Civil Statutes), to authorize the Texas Water Development Board to purchase or retire outstanding prior lien water bonds of a political subdivision; to prescribe the interest rate which all bonds purchased by the Board shall bear; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 301 "An Act amending Article 4495 of the Revised Civil Statutes of Texas, 1925, as amended, so as to provide for the composition of the Texas State Board of Medical Examiners; their qualifications; terms of office, their appointment; and amending Article 4506, of the Revised Civil Statutes of Texas, 1925, as amended, so as to provide for appeal under the substantial evidence rule from Board orders cancelling, revoking, or suspending licenses and so as to grant authority to the Texas State Board of Medical Examiners to pro-

bate its orders to revoke, cancel, or suspend the license of a practitioner; providing the procedure whereby such probation may be effectuated; repealing laws in conflict; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 622, "An Act creating the Court of Domestic Relations No. 3 of Tarrant County and providing for its jurisdiction, terms, personnel, administration, and procedures; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 371, "An Act providing a penalty for the failure of certain persons to comply with requests of the county auditor; adding Article 1663a to the Revised Civil Statutes of Texas, 1925; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 242, "An Act relating to the practice of professional nursing; amending Article 4518, as amended, Article 4525, and adding Articles 4527a and 4527b to Revised Civil Statutes of Texas, 1925; repealing Articles 776 and 777, Penal Code of

Texas, 1925; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 336, "An Act authorizing the District Attorney of the 81st Judicial District of Texas to employ a stenographer or clerk; prescribing the compensation of such stenographer or clerk; providing that this Act shall be cumulative of existing laws upon the same subject matter except that the provisions of this Act shall control in event of conflict; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 607, "An Act changing the closed season for oystering on public reefs in Calhoun County; amending Section 1, Chapter 102, Acts of the 48th Legislature, 1943, as amended; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 619, "An Act relating to bonds of the Directors and Treasurer of the Lavaca County Flood Control District No. 3; amending Section 5, Chapter 95, Acts of the 56th Legislature, Regular Session, 1959 (Article

8280-218, Vernon's Texas Civil Statutes); and declaring an emergency." has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 314, "An Act amending Subsection 4(c) of section 1 of Senate Bill No. 116, Chapter 334, Acts of the 51st Legislature, Regular Session, 1949 (compiled as Subsection 4(c) under Section 1 of Article 2922-13, Vernon's Texas Civil Statutes) to provide for supervisor units for approved exceptional children education programs, prescribing the formula for the allocation of such exceptional children supervisor unit(s) and by reference the applicable minimum salary schedule; providing for an effective date of this Act; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 35, "An Act making privileged certain communications between a clergyman and his penitent; amending Title 55, Revised Civil Statutes of Texas, 1925, as amended, by adding Article 3715a; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 523, "An Act amending Article 3266 Section 3 of the Revised

Civil Statutes of Texas of 1925 providing for the addition of a Paragraph (a) to give County Courts at Law and District Courts trying condemnation cases to set a fee for the special commissioners who act as arbitrators in such cases in an amount of not less than \$10.00 to be charged as costs of court in such cases; providing for an effective date; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 394, "An Act authorizing the Central Education Agency by rules and regulations to establish a special program for preschool children who have mental retardation; providing for a method of financing and limiting the allocation of classroom teacher units to and for the scholastic years, 1968-69 and 1969-70, as a pilot program only; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 603, "An Act authorizing the Commissioners Court in certain counties to appropriate and expend funds out of the General Fund for the purpose of purchasing, constructing, restoring, preserving, maintaining, and reconstructing historical landmarks, buildings, and furnishings in said counties, and providing for the expenditure thereof; providing a severability clause; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 611, "An Act to amend Section 4, Chapter 559, Acts of the 59th Legislature, Regular Session, 1965; and declaring an emergency." has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 306, "An Act amending Section 1, Chapter 323, Acts of the 52nd Legislature, 1951, as amended, to make the county fire marshal law applicable to all counties; specifically providing that the provisions of this Act shall not apply to any state agency authorized to prevent and extinguish forest and grass fires; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 444, "An Act amending Section 21, Chapter 425, Acts of the 55th Legislature, Regular Session, 1957, as amended (Section 21, Article 8280-9, Vernon's Texas Civil Statutes) authorizing the Texas Water Development Board to create a centralized data bank for all hydrologic data collected in this state, providing for the travel expenses for certain employees; transferring the functions of the State Reclamation Engineer to the Texas Water Development Board; declaring unlawful the construction or maintenance of levees without approval of plans by the Texas Water

Department Board; providing penalties; repealing conflicting laws; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 593, "An Act amending Chapter 171, Acts 1947, 50th Legislature, as amended by Chapter 391, Acts 1949, 51st Legislature, as amended by Chapter 2, Acts 1961, 57th Legislature, as codified in the Revised Civil Statutes of Texas Title 49, Article 2783d, Section 6a, concerning public education so as to specify the date for holding a run-off election of trustees on the third Saturday following said election in cases where a candidate for election shall not receive a majority of the votes cast in the preceding election held on the first Saturday in April and specifying the date that trustees elected in the run-off take office; providing for an effective date; and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 27, 1967.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Engrossed and Enrolled Bills, to which was referred:

S. B. No. 602, "An Act abolishing the Lomax Municipal District and repealing Chapter 438, Acts of the 57th Legislature, Regular Session, 1961 (Article 8280-259, Vernon's Texas Civil Statutes); and declaring an emergency."

has carefully compared same and finds it correctly enrolled.

HARDEMAN, Chairman.

Sent to Governor
May 27, 1967

S. B. No. 445
S. B. No. 529

S. B. No. 318
 S. B. No. 376
 S. B. No. 509
 S. B. No. 561
 S. B. No. 597
 S. B. No. 437
 S. B. No. 371
 S. B. No. 242
 S. B. No. 336
 S. B. No. 301
 S. B. No. 446
 S. B. No. 296
 S. B. No. 619
 S. B. No. 314
 S. B. No. 35
 S. B. No. 523
 S. B. No. 603
 S. B. No. 611
 S. B. No. 306
 S. B. No. 444
 S. B. No. 593
 S. B. No. 602
 S. B. No. 83
 S. B. No. 132
 S. B. No. 618
 S. B. No. 622
 S. B. No. 607
 S. J. R. No. 24

SIXTY-NINTH DAY

(Monday, May 29, 1967)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

| | |
|------------|-----------|
| Aikin | Hightower |
| Bates | Jordan |
| Bernal | Kennard |
| Berry | Mauzy |
| Blanchard | Moore |
| Brooks | Parkhouse |
| Christie | Patman |
| Cole | Ratliff |
| Connally | Reagan |
| Creighton | Schwartz |
| Grover | Strong |
| Hall | Wade |
| Hardeman | Watson |
| Harrington | Wilson |
| Hazlewood | Word |
| Herring | |

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Saturday, May 27, 1967 was dispensed with and the Journal was approved.

Senate Resolution 754

Senator Watson offered the following resolution:

Whereas, Many years ago before the advancement of fire fighting facilities and techniques, the State Board of Insurance established the fire record credit and debit system as applicable to cities and towns in the State of Texas to encourage fire loss reduction; and

Whereas, The State Board of Insurance has also established a key rate system for cities and towns whereby insurance rates of such cities and towns are established according to their fire fighting equipment, water systems, and other factors in use therein which seem to fairly reflect the fire preventative abilities of the cities and towns of the state; and

Whereas, The cities and towns may suffer a substantial debit and the citizens thereof suffer a substantial increase in insurance premiums as the result of a single fire occurring within the limits of a city or town, which said debit may be in existence for several years as a result thereof; and

Whereas, The fire record credit and debit system applies only to insurance written in companies which are regulated by Chapter 5 of the Insurance Code, and no account is made of premiums or losses on risks insured by unregulated insurers; and

Whereas, The fire record credit and debit system is inherently out of balance and all citizens in this state who are insured by companies regulated by Chapter 5 of the Insurance Code are penalized as a result of the off-balance existing in such plan and their insurance rates may be both excessive and discriminatory; and

Whereas, Some cities and towns are enjoying a maximum credit under the fire record credit and debit system even though a large loss has occurred within such city and town as a result of a fire which was not insured or was insured by a company not regulated by Chapter 5 of the Insurance Code; and